Volume 38, Number 8
Pages 577–684
April 15, 2013

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

JASON KANDER

SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT SALLY L. REID

ASSOCIATE EDITOR

DELANE JACQUIN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

SPECIALIST

MICHAEL C. RISBERG

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: $56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is http://www.sos.mo.gov/adrules/moreg/moreg.asp and the CSR is http://www.sos.mo.gov/adrules/csr/csr.asp. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2012. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.

MISSOURI REGISTER

April 15, 2013

Vol. 38 No. 8 **Pages 577–684**

IN THIS ISSUE:

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
December 3, 2012	**January 2, 2013**	January 29, 2013	February 28, 2013
December 17, 2012	**January 15, 2013**	January 29, 2013	February 28, 2013
January 2, 2013	**February 1, 2013**	February 28, 2013	March 30, 2013
January 15, 2013	**February 15, 2013**	February 28, 2013	March 30, 2013
February 1, 2013	**March 1, 2013**	March 31, 2013	April 30, 2013
February 15, 2013	**March 15, 2013**	March 31, 2013	April 30, 2013
March 1, 2013	**April 1, 2013**	April 30, 2013	May 30, 2013
March 15, 2013	**April 15, 2013**	April 30, 2013	May 30, 2013
April 1, 2013	**May 1, 2013**	May 31, 2013	June 30, 2013
April 15, 2013	**May 15, 2013**	May 31, 2013	June 30, 2013
May 1, 2013	**June 3, 2013**	June 30, 2013	July 30, 2013
May 15, 2013	**June 17, 2013**	June 30, 2013	July 30, 2013
June 3, 2013	**July 1, 2013**	July 31, 2013	August 30, 2013
June 17, 2013	**July 15, 2013**	July 31, 2013	August 30, 2013
July 1, 2013	**August 1, 2013**	August 31, 2013	September 30, 2013
July 15, 2013	**August 15, 2013**	August 31, 2013	September 30, 2013
August 1, 2013	**September 3, 2013**	September 30, 2013	October 30, 2013
August 15, 2013	**September 16, 2013**	September 30, 2013	October 30, 2013
September 3, 2013	**October 1, 2013**	October 31, 2013	November 30, 2013
September 16, 2013	**October 15, 2013**	October 31, 2013	November 30, 2013

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2012), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library
PO Box 1486, 3021 High Ridge
High Ridge, MO 63049-1486
(314) 677-8689

Jefferson College Library
1000 Viking Drive
Hillsboro, MO 63050-2441
(314) 789-3951 ext. 160

St. Louis Public Library
1301 Olive St.
St. Louis, MO 63103-2389
(314) 539-0376

St. Louis University Law Library
3700 Lindell Blvd.
St. Louis, MO 63108-3478
(314) 977-2742

Eden/Webster Library
Eden Theological Seminary/
Webster University
475 East Lockwood Ave.
St. Louis, MO 63119-3192
(314) 961-2660 ext. 7812

Thomas Jefferson Library
University of Missouri-St. Louis
8001 Natural Bridge Road
St. Louis, MO 63121-4499
(314) 516-5084

Washington University Law Library
Washington University
Campus Box 1171, Mudd Bldg.,
One Brookings Dr.
St. Louis, MO 63130-4899
(314) 935-6443

St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131-3598
(314) 994-3300 ext. 247

Library
Maryville University
13550 Conway Road
St. Louis, MO 63141-7232
(314) 529-9494

Pickler Memorial Library
Truman State University
100 E. Normal
Kirksville, MO 63501-4221
(660) 785-7416

Learning Resources Center
Mineral Area College
PO Box 1000
Park Hills, MO 63601-1000
(573) 431-4593

Cape Girardeau Public Library
711 N. Clark
Cape Girardeau, MO 63701-4400
(573) 334-5279

Kent Library
Southeast Missouri State University
One University Plaza
Cape Girardeau, MO 63701-4799
(573) 651-2757

Riverside Regional Library
PO Box 389, 1997 E. Jackson Blvd.
Jackson, MO 63755-0389
(573) 243-8141

Rutland Library
Three Rivers Community College
2080 Three Rivers Blvd.
Poplar Bluff, MO 63901-2393
(573) 840-9656

James C. Kirkpatrick Library
University of Central Missouri
142 Edwards Library
Warrensburg, MO 64093-5020
(660) 543-4149

Kansas City Public Library
14 West 10th Street
Kansas City, MO 64105
(816) 701-3546

Law Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

Miller Nichols Library
University of Missouri-Kansas City
5100 Rockhill Road
Kansas City, MO 64110-2499
(816) 235-2438

B.D. Owens Library
Northwest Missouri State University
800 University Drive
Maryville, MO 64468-6001
(660) 562-1841

St. Joseph Public Library
927 Felix Street
St. Joseph, MO 64501-2799
(816) 232-8151

Hearnes Learning Resources Ctr.
Missouri Western State University
4525 Downs Drive
St. Joseph, MO 64507-2294
(816) 271-5802

Library
North Central Missouri College
PO Box 111, 1301 Main Street
Trenton, MO 64683-0107
(660) 359-3948 ext. 325

Spiva Library
Missouri Southern State University
3950 East Newman Road
Joplin, MO 64801-1595
(417) 625-9342

Missouri State Library
600 West Main, PO Box 387
Jefferson City, MO 65102-0387
(573) 751-3615

Missouri State Archives
600 West Main, PO Box 778
Jefferson City, MO 65102-0778
(573) 526-6711

Elmer Ellis Library
University of Missouri-Columbia
106 B Ellis Library
Columbia, MO 65211-5149
(573) 882-0748

Library
State Historical Society of Missouri
1020 Lowry St.
Columbia, MO 65211-7298
(573) 882-9369

Daniel Boone Regional Library
PO Box 1267, 100 West Broadway
Columbia, MO 65205-1267
(573) 443-3161 ext. 359

School of Law
University of Missouri-Columbia
224 Hulston Hall
Columbia, MO 65211-0001
(573) 882-1125

Smiley Memorial Library
Central Methodist University
411 Central Methodist Square
Fayette, MO 65248-1198
(660) 248-6279

Library
Missouri University of Science and
Technology
1870 Miner Circle
Rolla, MO 65409-0060
(573) 341-4007

Lebanon-Laclede County Library
915 S. Jefferson Ave.
Lebanon, MO 65536-3017
(417) 532-2148

University Library
Southwest Baptist University
1600 University Ave.
Bolivar, MO 65613-2597
(417) 328-1631

Barry-Lawrence Regional Library
213 6th St.
Monett, MO 65708-2147
(417) 235-6646

Lyons Memorial Library
College of the Ozarks
General Delivery
Point Lookout, MO 65726-9999
(417) 334-6411 ext. 3551

Garnett Library
Missouri State University—West
Plains
304 Cleveland
West Plains, MO 65775-3414
(417) 255-7945

Springfield-Greene County Library
4653 S. Campbell
Springfield, MO 65801-0760
(417) 874-8110

Meyer Library
Missouri State University
PO Box 175, 901 S. National
Springfield, MO 65804-0095
(417) 836-4533

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.705 Commercialization. The commission proposes to amend this rule.

*PURPOSE: This amendment clarifies an individual's right to due process before the suspension, revocation, or denial of a permit or privilege if they are found to be out of compliance with this **Code**.*

Wildlife may be bought, sold, offered for sale, exchanged, transported**,** or delivered only under the conditions of the prescribed permit, or as otherwise provided in this chapter. No affidavit, receipt**,** or other document may be issued or used in lieu of the required permit. Any permit issued or obtained by false statement or through fraud, or while permits are revoked or denied by the commission, shall be invalid. *[Renewal of permits is conditioned on compliance with provisions of this Code.]* **As provided in rule 3 CSR 10-5.216, the commission may suspend, revoke, or deny a permit or privilege for cause, but not until an opportunity has been afforded for a hearing before the commission or its authorized representative. Hearings under this section shall be noncontested cases unless the permittee is entitled by law to a contested case hearing.**

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. **and section 252.240, RSMo 2000.** Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.722 Resident Roe Fish Commercial Harvest Permit. The commission proposes to amend this rule.

PURPOSE: This amendment removes shovelnose sturgeon as a species available for roe harvest from the Missouri River to align Missouri's regulations with the U.S. Fish and Wildlife Service's similarity of appearance ruling.

Required in addition to the Commercial Fishing Permit to take, possess, and sell *[shovelnose sturgeon and their eggs from the Missouri River and]* bowfin, paddlefish, and shovelnose sturgeon and their eggs from the Mississippi River in accordance with 3 CSR 10-10.725. Fee: Five hundred dollars ($500).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Dec. 30, 2003, effective July 1, 2004. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A.

Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.725 Commercial Fishing: Seasons, Methods. The commission proposes to amend subsection (1)(B), delete subsection (1)(C), amend section (3), delete sections (4) and (5), renumber subsequent sections, amend new section (6), amend new subsection (6)(C), add subsection (6)(D), re-letter subsequent subsection, amend new sections (7) and (8), add section (9), renumber subsequent sections, amend new sections (10) and (11), and add section (12) of this rule.

PURPOSE: This amendment removes references to shovelnose sturgeon harvest on the Missouri River and Mississippi River below Melvin Price Locks and Dam to align Missouri's regulations with U.S. Fish and Wildlife Service's similarity of appearance ruling, hoop net leads are further defined, and the harvest of Asian carp which jump into watercraft used by commercial fishermen is allowed.

(1) Commercial fish and live bait may be taken and possessed in any numbers by the holder of a commercial fishing permit from commercial waters with seines, gill nets, trammel nets, hoop nets with or without wings, trotlines, throwlines, limb lines, bank lines, or jug or block lines, and any number of hooks, except:

(B) *[On the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, where shovelnose sturgeon twenty-four inches (24") to thirty inches (30") in length (measured from tip of snout to fork of tail) may be taken and possessed only from November 1 through May 15 and only by the holder of a Resident Roe Fish Commercial Harvest Permit. []*Endangered species as listed in 3 CSR 10-4.111(3), including lake sturgeon and pallid sturgeon, may not be taken or possessed, and must be returned to the water unharmed immediately after being caught.*[]]*

[(C) On portions of the Mississippi River defined as commercial waters where shovelnose sturgeon twenty-four inches (24") to thirty-two inches (32") in length (measured from tip of snout to fork of tail) may be taken and possessed only from October 15 through May 15 and only by holders of a Resident Roe Fish Commercial Harvest Permit or Nonresident Mississippi River Roe Fish Commercial Harvest Permit.]

(3) On the Missouri River *[upstream from U.S. Highway 169 and downstream from Carl R. Noren Access to Chamois Access]* or banks thereof, game fish (including channel, blue**,** and flathead catfish*[,]***;** paddlefish**;** and shovelnose sturgeon) may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.

[(4) From May 16 through October 31 on the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River or banks thereof, game fish (including channel, blue and flathead catfish, paddlefish and shovelnose sturgeon) may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught.]

[(5) From November 1 through May 15 on the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River or banks thereof, the following may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught:

(A) Game fish (including channel, blue and flathead catfish and paddlefish).

(B) Shovelnose sturgeon less than twenty-four inches (24") or more than thirty inches (30") in length (measured from tip of snout to fork of tail).]

*[(6)]***(4)** On that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, the following may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught:

(A) Channel, blue, and flathead catfish less than fifteen inches (15") in total length*[.]***; and**

(B) Other game fish (including paddlefish and shovelnose sturgeon).

*[(7)]***(5)** From May 16 through October 14 on the portions of the Mississippi River defined as commercial waters, the following may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught:

(A) Channel, blue, and flathead catfish less than fifteen inches (15") in total length*[.]***;**

(B) Paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail)*[.]***;**

(C) Shovelnose sturgeon*[.]***; and**

(D) Other game fish.

*[(8)]***(6)** From October 15 through May 15 on the portions of the Mississippi River defined as commercial waters **unless further restricted**, the following may not be possessed or transported while fishing by commercial methods or while possessing commercial fishing gear and shall be returned to the water unharmed immediately after being caught:

(A) Channel, blue, and flathead catfish less than fifteen inches (15") in total length*[.]***;**

(B) Paddlefish less than twenty-four inches (24") in length (measured from eye to fork of tail)*[.]***;**

(C) Shovelnose sturgeon **upstream from Melvin Price Locks and Dam** less than twenty-four inches (24") or more than thirty-two inches (32") in length (measured from tip of snout to fork of tail)*[.]***;**

(D) Shovelnose sturgeon downstream from Melvin Price Locks and Dam; and

*[(D)]***(E)** Other game fish.

*[(9)]***(7)** While on waters of the state and adjacent banks, the head and tail must remain attached to all fish, bowfin**,** and shovelnose sturgeon must remain whole and intact, and the ovaries of paddlefish must remain intact and accompany the fish from which they were removed.

*[(10)]***(8)** Commercial fishing gear may not be used or set within three hundred (300) yards of any spillway, lock, dam**,** or the mouth of any tributary stream or ditch, or in waters existing temporarily through overflow outside the banks of the specified rivers except as *[provided in section (7) of this rule]* **specified in 3 CSR 10-20.805(14)**, and may not be used to take fish underneath or through the ice. *[Seines, gill nets, and trammel nets having a mesh smaller than two*

inches (2") bar measure, measured when wet, may not be used. Hoop nets, including wings and leads, having a mesh smaller than one and one-half inches (1 1/2") bar measure, measured when wet, may not be used. Hoop net wings and leads must be a single panel and not more than six feet (6') in depth. Hooks attached to trotlines or throwlines shall be staged not less than two feet (2') apart. While in use, all commercial fishing gear shall be labeled with tags furnished by the department and placed as indicated on the tags. Portions of trotlines and jug or block lines, throwlines, bank lines, and limb lines must have the commercial tag number under which they are being fished attached to each line. Commercial fishing gear may not be possessed on waters of the state or adjacent banks that are not open to commercial fishing, except during transportation by boat from the nearest access location to commercial fishing waters as determined by the department.]

(9) Commercial gear must meet the following requirements:

(A) Seines, gill nets, and trammel nets having a mesh smaller than two inches (2") bar measure, measured when wet, may not be used;

(B) Hoop nets having a mesh smaller than one and one-half inches (1 1/2") bar measure, measured when wet, may not be used. Hoop net wings and leads must be a single panel, not more than six feet (6') in depth, mesh size one and one half inches (1 1/2") bar measure, measured when wet, and made of twine not less than three sixty-fourths of an inch (3/64") in diameter;

(C) Hooks attached to trotlines or throwlines shall be staged not less than two feet (2') apart;

(D) While in use, all commercial fishing gear shall be labeled with tags furnished by the department and placed as indicated on the tags. Portions of trotlines and jug or block lines, throwlines, bank lines, and limb lines must have the commercial tag number under which they are being fished attached to each line; and

(E) Commercial fishing gear may not be possessed on waters of the state or adjacent banks that are not open to commercial fishing, except during transportation by boat from the nearest access location to commercial fishing waters as determined by the department.

*[(11)]***(10)** The possession of game fish **except as defined as commercial fish in 3 CSR 10-20.805(13)** while in the act of using commercial fishing gear or aboard a boat transporting fish taken by commercial fishing gear is prohibited.

*[(12)]***(11)** The possession of extracted eggs of any fish species, except as provided in section *[(9)]***(7)** of this rule, is prohibited while on waters of the state and adjacent banks.

(12) Bighead carp, common carp, grass carp, and silver carp that jump from the water on or into a watercraft, or onto land, may be taken and possessed in any number.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately ten thousand one hundred twelve dollars and twenty cents ($10,112.20) in the aggregate. This information is based on 28 commercial fisherman x 6.2 hoop nets each = 173.6 hoop net leads. Approximately 173.6 hoop net leads will be replaced at $58.25 each =$10,112.20 aggregate costs (one- (1-) time).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 3 - Department of Conservation
Division Title: 10 - Conservation Commission
Chapter Title: 10 - Wildlife Code: Commercial Permits: Seasons, Methods, Limits

Rule Number and Title:	3 CSR 10-10.725 Commercial Fishing: Seasons, Methods
Type of Rulemaking:	Proposed amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Estimated hoop net lead replacement costs	**28 Commercial Fishers**	**$10,112.20**

III. WORKSHEET
28 commercial fisherman x 6.2 hoop nets each = 173.6 hoop net leads.
Approximately 173.6 hoop net leads will be replaced at $58.25 each = $10,112.20 aggregate costs (one-time).

IV. ASSUMPTIONS

- Numbers based on current and historic permit sales. Additional information obtained during a series of public meetings held across the state was also used.
- There was a total of 388 commercial fisherman licensed during the last complete permit year.
- Seventy-nine and nine tenths percent of all commercial fishermen will fish hoop nets. (One hundred fifty-one of 210 commercial permit buyers (71.9%) purchased hoop net gear tags.) (Seventy-nine and nine tenths percent of 388 commercial fisherman = 279 who fish hoop nets.)
- Twenty percent of recent public meeting participants indicated they used leads with their hoop net sets. (Twenty percent of 279 commercial fishermen = 56 commercial fishermen use hoop nets with leads.)
- Half of those commercial fisherman using leads are already in compliance. (Twenty-eight commercial fisherman will have to replace their leads in order to comply.)
- In current year sales to date, 151 commercial permit holders purchased a total of 935 hoop net gear tags (Average 6.2 hoop nets per licensed commercial angler.)
- Each replacement lead will cost $58.25 to replace.
- Summary - 28 commercial fishermen with 6.2 nets at $58.25 = $10,112.20 (one-time cost).

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to delete subsection (1)(G) and re-letter subsequent subsections of this rule.

PURPOSE: This amendment removes a reference to a lake no longer managed by the department.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

[(G) Green City Lake]

*[(H)]***(G)** Kirksville (Hazel Creek Lake, Spur Pond)

*[(I)]***(H)** Lancaster (City Lake, Paul Bloch Memorial Pond)

*[(J)]***(I)** LaPlata City Lake

*[(K)]***(J)** Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8)

*[(L)]***(K)** Macon County (Fairgrounds Lake)

*[(M)]***(L)** Marceline (Marceline City Lake, Old Marceline City Reservoir)

*[(N)]***(M)** Memphis (Lake Showme)

*[(O)]***(N)** Milan (Elmwood Lake)

*[(P)]***(O)** Monroe City (Route J Reservoir)

*[(Q)]***(P)** Palmyra (Akerson Access)

*[(R)]***(Q)** Pemiscot County (Triangle Boat Club Access)

*[(S)]***(R)** Rockaway Beach Access

*[(T)]***(S)** Sedalia Water Department (Spring Fork Lake)

*[(U)]***(T)** Springfield City Utilities (Fellows Lake, Lake Springfield, Tailwaters Access)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 1, 2001, effective Oct. 30, 2001. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to delete subsection (6)(F) and re-letter subsequent subsections of this rule.

PURPOSE: This amendment removes a reference to a lake no longer managed by the department.

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

[(F) Green City Lake;]

*[(G)]***(F)** Little River Drainage District (Headwaters Diversion Channel);

*[(H)]***(G)** Higginsville City Lake;

*[(I)]***(H)** Holden City Lake;

*[(J)]***(I)** Iron Mountain City Lake;

*[(K)]***(J)** La Plata City Lake;

*[(L)]***(K)** Macon City Lake;

*[(M)]***(L)** Marceline (Marceline City Lake, Old Marceline City Reservoir);

*[(N)]***(M)** Mark Twain National Forest (Council Bluff Lake, Palmer Lake);

*[(O)]***(N)** Maysville (Willow Brook Lake);

*[(P)]***(O)** Memphis (Lake Showme);

*[(Q)]***(P)** Milan (Elmwood Lake);

*[(R)]***(Q)** Moberly (Rothwell Park Lake, Sugar Creek Lake, and Water Works Lake);

*[(S)]***(R)** Monroe City (Route J Reservoir);

*[(T)]***(S)** Unionville (Lake Mahoney);

*[(U)]***(T)** Wakonda State Park (Agate Lake and Wakonda Lake); and

*[(V)]***(U)** Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission proposes to delete subsection (4)(E) and re-letter subsequent subsections of this rule.

PURPOSE: This amendment removes a reference to a lake no longer managed by the department.

(4) Carp, buffalo, suckers, and gar may be taken by atlatl, gig, bow, or crossbow during statewide seasons on the following lakes:

[(E) Green City Lake]

*[(F)]***(E)** Hamilton City Lake

*[(G)]***(F)** Harrison County Lake
*[(H)]***(G)** Jackson County (Lake Jacomo, north of Colbern Road)
*[(I)]***(H)** Kirksville (Hazel Creek Lake)
*[(J)]***(I)** Maryville (Mozingo Lake)
*[(K)]***(J)** Macon City Lake
*[(L)]***(K)** Marceline (Marceline City Lake, Old Marceline City Reservoir)
*[(M)]***(L)** Maysville (Willow Brook Lake)
*[(N)]***(M)** Memphis (Lake Showme)
*[(O)]***(N)** Moberly (Sugar Creek Lake)
*[(P)]***(O)** St. Louis County (Sunfish Lake)
*[(Q)]***(P)** Thousand Hills State Park (Forest Lake)
*[(R)]***(Q)** Unionville (Lake Mahoney)
*[(S)]***(R)** Wakonda State Park lakes

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend section (13) of this rule.

PURPOSE: The amendment aligns the ***Wildlife Code*** *with current federal regulations for shovelnose sturgeon.*

(13) Commercial fish: All fish except endangered species as listed in 3 CSR 10-4.111(3) and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin, and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and softshelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel, blue, and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon twenty-four inches to thirty-two inches (24"–32") in length (measured from tip of snout to fork of tail) **upstream from Melvin Price Locks and Dam**. *[In the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, commercial fish also include shovelnose sturgeon twenty-four inches to thirty inches (24"–30") in length (measured from tip of snout to fork of tail).]*

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed March 12, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.010 Definitions. The Missouri Highways and Transportation Commission is amending subsection (1)(A).

PURPOSE: This proposed amendment defines the terms used in the breath alcohol ignition interlock device certification and operational requirements.

(1) Definitions.

(A) The following words and terms as used in these requirements shall have the following meaning:

1. Alcohol retest setpoint—The breath alcohol concentration at which the ignition interlock device is set *[to lock the ignition]* for the rolling retests;

2. Alcohol setpoint—The breath alcohol concentration at which the ignition interlock device is set to lock the ignition. The alcohol setpoint is the nominal lock point at which the ignition interlock device is set at the time of calibration;

3. Alveolar air—Deep lung air or alveolar breath, which is the last portion of a prolonged, uninterrupted exhalation;

4. Authorized service provider—A person, company, or authorized franchise who is certified by the state of Missouri to provide breath alcohol ignition interlock devices under sections 577.600–577.614, RSMo;

5. Bogus breath sample—Any gas sample other than an unaltered, undiluted, and unfiltered alveolar air sample from a driver;

6. Breath alcohol concentration (BAC)—The number of grams of alcohol (% weight/volume) per two hundred ten (210) liters of breath;

7. Breath alcohol ignition interlock device (BAIID)—A mechanical unit that is installed in a vehicle which requires the taking of a BAC test prior to the starting of the vehicle and at periodic intervals after the engine has been started. If the unit detects a BAC test result below the alcohol setpoint, the unit will allow the vehicle's ignition switch to start the engine **and will provide a warning message**. If

the unit detects a BAC test result at or above the alcohol setpoint, the vehicle will be prohibited from starting;

8. Breath sample—Expired human breath containing primarily alveolar air;

9. Calibration—The process which ensures an accurate alcohol concentration reading on a device;

10. Circumvention—An unauthorized, intentional, or overt act or attempt to start, drive, or operate a vehicle equipped with a breath alcohol ignition interlock device without the driver of the vehicle providing a pure breath sample;

11. Committee—The persons delegated to conduct informal reviews of suspension or revocation of a device by the Missouri Highways and Transportation Commission;

12. Designated monitoring period—The period of time indicated by the Department of Revenue for required monitoring of the driver's ignition interlock use by the authorized service provider;

*[11.]***13.** Device—Breath alcohol ignition interlock device (BAIID);

*[12.]***14.** Download—The transfer of information from the interlock device's memory onto disk or other electronic or digital transfer protocol;

*[13.]***15.** Emergency service—Unforeseen circumstances in the use and/or operation of a breath alcohol ignition interlock device, not covered by training or otherwise documented, which requires immediate action;

*[14.]***16.** Filtered breath sample—A breath sample which has been filtered through a substance in an attempt to remove alcohol from the sample;

17. Global positioning system—A feature of the device that will log the location (longitude and latitude), date and time of each breath sample including any refusal, any circumvention attempt, and any attempt to tamper with the ignition interlock device;

*[15.]***18.** Independent laboratory—A laboratory which is properly equipped and staffed to conduct laboratory tests on ignition interlock devices;

*[16.]***19.** Initial breath test—A breath test required to start a vehicle to ensure that the driver's BAC is below the alcohol setpoint;

*[17.]***20.** Installation—Mechanical placement and electrical connection of a breath alcohol ignition interlock device in a vehicle by installers;

*[18.]***21.** Installer—A dealer, distributor, supplier, individual, or service center who provides device calibration, installation, and other related activities as required by the authorized service provider;

*[19.]***22.** Lockout—The ability of the device to prevent a vehicle's engine from starting unless it is serviced or recalibrated;

*[20.]***23.** NHTSA—Federal agency known as the National Highway Traffic Safety Administration;

*[21.]***24.** Operator—Any person who operates a vehicle that has a court-ordered or Department of Revenue required breath alcohol ignition interlock device installed;

*[22.]***25.** Permanent lockout—A feature of a device in which a vehicle will not start until the device is reset by a device installer;

26. Photo ID technology—A feature of the device that incorporates technology that will photograph the person who is providing the breath test;

27. Refusal—The failure of a driver to provide a breath sample and complete the breath test when prompted by the ignition interlock device;

*[23.]***28.** Pure breath sample—Expired human breath containing primarily alveolar air and having a breath alcohol concentration below the alcohol setpoint of twenty-five thousandths (.025);

*[24.]***29.** Reinstallation—Replacing a breath alcohol ignition interlock device in a vehicle by an installer after it has been removed for service;

*[25.]***30.** Retest—Two (2) additional chances to provide a breath sample below the alcohol setpoint when the first sample failed; or three (3) chances to provide a breath alcohol sample below the alcohol setpoint on the rolling retest;

31. Revocation—A revocation is a removal of a device from the approved list and requires reapplication under 7 CSR 60-2.020. After revocation, an authorized service provider must wait at least one (1) year or longer, if determined by Traffic and Highway Safety Division or the committee, before reapplication;

*[26.]***32.** Rolling retest—A subsequent breath test that must be conducted five (5) minutes after starting the vehicle and randomly during each subsequent thirty- (30-)*[-]* minute time period thereafter while the vehicle is in operation;

*[27.]***33.** Service lockout—A feature of the breath alcohol ignition interlock device which will not allow a breath test and will not allow the vehicle to start until the device is serviced and recalibrated as required;

34. Suspension—The period after a finding by the Missouri Department of Transportation, Traffic and Highway Safety Division or the committee designated by the Missouri Highways and Transportation Commission to conduct informal review of a device that is to be or has been removed from the list of approved devices. A suspension is temporary and may not require the manufacturer to go through the approval procedure although the Traffic and Highway Safety Division or the committee may impose requirements before the suspension is removed;

*[28.]***35.** Tampering—An overt, purposeful attempt to physically alter or disable an ignition interlock device, or disconnect it from its power source, or remove, alter, or deface physical anti-tampering measures, so a driver can start the vehicle without taking and passing an initial breath test;

*[29.]***36.** Temporary lockout—A feature of the device which will not allow the vehicle to start for fifteen (15) minutes after three (3) failed attempts to blow a pure breath sample; and

*[30.]***37.** Violations reset—A feature of a device in which a service reminder is activated due to one (1) of the following reasons:

A. Two (2) fifteen- (15-)*[-]* minute temporary lockouts within a thirty- (30-)*[-]* day period;

B. Any three (3) refusals to provide a retest sample within a thirty- (30-)*[-]* day period; *[or]*

C. Any three (3) **retest** breath samples above the alcohol setpoint within a thirty- (30-)*[-]* day period**; or**

D. Any attempts to circumvent or tamper with a device.

*AUTHORITY: **sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,** sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2009] **2012,** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.010. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.020 Approval Procedure. The Missouri Highways and Transportation Commission is amending subsections (1)(B) and (1)(C).

PURPOSE: This proposed amendment outlines the necessary steps for manufacturers to get their interlock devices approved and certified in the state of Missouri.

(1) Approval Procedure.

(B) Application.

1. Application to become an authorized service provider must be made by submitting a letter requesting approval of a breath alcohol ignition interlock device to the State of Missouri, Department of Transportation, **Traffic and** Highway Safety Division, PO Box 270, Jefferson City, MO 65102, in the manner described herein. All applicants must certify that their device—

A. Does not impede the safe operation of a vehicle;

B. Minimizes opportunities to circumvent the device; and

C. Prevents an operator from starting a vehicle when the operator has a breath alcohol concentration which exceeds the alcohol setpoint.

2. An application for certification must include all of the following:

A. A written request for certification of a device on the company's letterhead, signed by an authorized representative of the company;

B. The name and business address of the applicant;

C. The name and model number of the device*[. A separate application is required for each model of device]*;

D. Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features;

E. A quality control plan that outlines the requirements for installation sites, service centers, and technicians who install and/or service ignition interlock devices. The plan must be submitted annually, or when changes occur, and must include, but not be limited to, the following:

(I) Certification that ignition interlock technicians do not have two (2) or more alcohol-related enforcement contacts as defined in section 302.525, RSMo, or a manslaughter, involuntary manslaughter, or any other type of crime or conduct involving moral turpitude that would compromise the program;

(II) Installation sites and service centers are operating as a business meeting all federal, state, and local government regulations;

(III) The process the authorized service provider will use for ongoing supervision of the sites and technicians in the state; and

(IV) Outline suspension and revocation procedures for installation sites, service centers, and technicians for non-compliance of requirements set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060 or any policies outlined by the authorized service provider;

*[E.]***F.** A complete and certified copy of data from an independent laboratory demonstrating that the device meets or exceeds the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication;

*[F.]***G.** A complete listing of all installers that includes the name, location, phone number, contact name, and hours of operation; *[and]*

*[G.]***H.** The applicant's toll-free customer service/question/complaint hot-line number*[.]***; and**

I. A separate application is required for devices that differ in any operational aspect.

3. The applicant seeking certification shall—

A. Agree to ensure any service performed outside the state of Missouri on a device installed pursuant to Missouri law shall be in compliance with all requirements included herein;

B. Agree to ensure proper record keeping and provide testimony relating to any aspect of the installation, service, repair, removal, interpretation of any report, or information recorded in the data storage system of a device;

C. Advise the Missouri Department of Transportation, Traffic and Highway Safety Division, whether the device for which certification is being sought in Missouri is the subject of any action to disallow, or has ever been, in any way, disallowed for use in another state whether such action occurred before or after approval in Missouri and if or when such action is or has been appealed in the other state and the outcome of the appeal;

D. Upon request of the Missouri Department of Transportation, Traffic and Highway Safety Division, and/or an agent of the state, for each device submitted for certification or certified under this section, agree to install the device with all proposed anti-circumvention features activated in a vehicle provided by the state, and/or an agent of the state; and

E. The state, and/or an agent of the state, may conduct compliance testing on the device submitted for certification and periodically throughout the certification period.

*[3.]***4.** All **compliance** costs associated with the *[certification and recertification process]* **requirements set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060** shall be borne by the applicant or authorized service provider.

(C) Approval.

1. The state of Missouri will issue a letter of certification or a letter of refusal to certify within sixty (60) days after receipt of a completed application. No device should be deemed approved, regardless of the time frame, unless the applicant has received written notification from the state of Missouri, Department of Transportation, **Traffic and** Highway Safety Division.

2. The state of Missouri will notify applicants for certification if their application is incomplete and, if the application is incomplete, will specify what information or documents are needed to complete the application.

3. The state of Missouri, Department of Transportation, **Traffic and** Highway Safety Division, will publish and maintain a list of approved devices. The list will be updated as changes occur.

*AUTHORITY: **sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,** sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] **2012,** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.020. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.020, effective Aug. 28, 2003. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.030 Standards and Specifications. The Missouri Highways and Transportation Commission is amending the purpose, subsections (1)(A)–(1)(C) and (1)(E), and adding a new subsection (1)(G).

PURPOSE: This proposed amendment clarifies installation and certification standards and procedures for ignition interlock devices in the state of Missouri.

PURPOSE: This rule outlines the minimum standards and specifications for ignition interlock device approval and [certification] ***installation*** *in the state of Missouri.*

(1) Standards and Specifications.

(A) *[Beginning July 1, 2009,] [a]***A**ll devices *[newly]* installed into a vehicle must be based on electro-chemical fuel cell sensor technology and shall meet or exceed the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication. *[Beginning July 1, 2011, all devices currently installed in an operator's vehicle that are not electro-chemical fuel cell technology shall be removed by the authorized service provider of the non-electro-chemical fuel cell device and such authorized service provider shall install new devices based on electro-chemical fuel cell technology, which must be selected from the state of Missouri's list of such approved devices. The authorized service provider shall notify by May 1, 2011, operators with non-electro-chemical fuel cell devices in their vehicles that such devices are to be removed from the operators' vehicles at the cost of the authorized service provider and that new devices shall be installed at the authorized service provider's expense.]*

1. All devices approved by the Missouri Department of Transportation, **Traffic and** Highway Safety Division, must contain an anti-circumvention feature to help deter bogus breath samples and that feature should not be disengaged by any other person, including, but not limited to, the installer.

2. All devices approved by the Missouri Department of Transportation, **Traffic and** Highway Safety Division, shall be programmed to allow the vehicle to be restarted without requiring an additional breath test for three (3) minutes after the ignition has been turned off or the vehicle has stalled, except when the driver has failed to take a random test **or has provided a breath sample over the alcohol setpoint**.

3. An ignition interlock installer shall—

A. Install an ignition interlock device on a vehicle only if the vehicle is driven in to the service center;

B. Ensure that a driver or other unauthorized person does not witness the installation or removal of an ignition interlock device; and

C. Inspect all vehicles prior to installation to determine that mechanical and electrical parts of the vehicle affected by an ignition interlock device are in acceptable condition and not install a device unless and until the vehicle is in acceptable condition.

4. The following anti-tampering measures shall be utilized when installing an ignition interlock device:

A. Place all connections between a device and the vehicle under the dash or in an inconspicuous area of the vehicle;

B. Cover all of the following connections with a unique and easily identifiable seal, epoxy, resin, wire, sheathing, or tape:

(I) Any portion of an ignition interlock device that can be disconnected;

(II) All wires used to install the device that are not inside a secured enclosure; and

(III) All exposed electrical connections.

(B) All approved devices must have an alcohol setpoint of twenty-five thousandths (.025) for initial startup.

1. A device shall be programmed to allow a maximum of three (3) attempts to blow a breath sample below the alcohol setpoint within a ten- (10-)*[-]* minute period.

2. Three (3) failed startup attempts within a ten- (10-)*[-]* minute period shall result in a fifteen- (15-)*[-]* minute temporary lockout.

3. Two (2) fifteen- (15-)*[-]* minute temporary lockouts within a thirty- (30-)*[-]* day period will result in a violations reset message.

4. The violations reset message shall instruct the operator to return the device to the installer for servicing within five (5) working days.

A. As the result of a reset message, the installer must download **and calibrate** the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

5. If the vehicle is not returned to the installer within five (5) working days, the device shall cause the vehicle to enter a permanent lockout condition.

(C) A retest feature is required for all devices.

1. A device shall be programmed to require a rolling retest five (5) minutes after the start of the vehicle and randomly during each subsequent thirty- (30-)*[-]* minute time period thereafter as long as the vehicle is in operation.

2. Any breath sample above the alcohol retest setpoint of twenty-five thousandths (.025) or any failure to provide a retest sample within five (5) minutes shall activate the vehicle's horn or other installed alarm and/or cause the vehicle's emergency lights to flash until the engine is shut off by the operator. Three (3) breath samples above the alcohol setpoint or three (3) refusals by the driver to provide a retest sample within a thirty- (30-)*[-]* day period *[will]* **shall** result in a violations reset message.

3. The violations reset message shall instruct the operator to return the device to the installer for servicing within five (5) working days.

A. As the result of a reset message, the installer must download and calibrate the device.

B. The installer must report all violations to the court-ordered supervising authority within three (3) working days.

4. If the vehicle is not returned to the installer within five (5) working days, the device shall cause the vehicle to enter a permanent lockout condition.

(E) A device shall record data in its memory in such a manner that a hard copy report can be printed which includes all of the following information:

1. The date and time of any use or attempted use of a vehicle;

2. The date and time of any act or attempt to tamper or circumvent the device;

3. The date, time, and breath alcohol concentration, in grams per two hundred ten (210) liters of air, of each breath sample provided to the device;

4. The date and time of any malfunctions of the device;

5. The date and time of any failures to provide retest samples;

6. The date that a "service required" (that is, violations reset) message is issued to the operator; *[and]*

7. The date that any service is performed*[.]***; and**

8. Photo identification and global positioning data when the features are enabled as required by the court supervising authority, Department of Revenue, or Missouri statute.

(G) The sale or use of any type of remote code allowing a driver to bypass a lockout condition or any user to not provide a breath sample on vehicle start up is prohibited.

AUTHORITY: ***sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,*** *sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2009]* ***2012,*** *and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.030. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.030, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Emergency amendment filed April 8, 2010, effective April 18, 2010, expired Nov. 30, 2010. Amended: Filed April 8, 2010, effective Nov. 30, 2010. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.040 Responsibilities of Authorized Service Providers. The Missouri Highways and Transportation Commission is amending subsections (1)(A) and (1)(B).

PURPOSE: This proposed amendment clarifies the record-keeping protocols for breath alcohol ignition interlock device authorized service providers.

(1) Responsibilities of Authorized Service Providers.

(A) The responsibilities of a breath alcohol ignition interlock device authorized service provider to the state of Missouri shall include:

1. The authorized service provider shall carry product liability insurance with minimum liability limits of one (1) million dollars per occurrence and three (3) million dollars aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The authorized service provider shall ensure that its installers are named additional insureds or that its installers carry like insurance in the amounts stated herein. The proof of insurance shall include a statement from the insurance company that thirty (30) days' notice will be given to the director, **Traffic and** Highway Safety Division, before cancellation of the insurance. Proof of insurance must be submitted to the Missouri Department of Transportation, **Traffic and** Highway Safety Division within thirty (30) days after a Letter of Certification has been issued. Failure to provide certificate of insurance may result in suspension or revocation of approval for the device;

2. The authorized service provider shall indemnify and hold harmless the state of Missouri and its officers, employees, and agents from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the authorized service provider or its installers relating to the installation, service, repair, use, or removal of a device;

3. The authorized service provider shall provide expert or other required testimony in any civil or criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions, *[and]* the testing protocol by which the device was evaluated for approval**, and interpretation of any report or information recorded in the data storage system of the device**. Failure to provide testimony may result in suspension or revocation of approval for the device;

4. The authorized service provider shall notify the Missouri Department of Transportation, **Traffic and** Highway Safety Division in writing of any material modification or alteration in the components, design, or installation and operating instructions of any device approved for use in the state of Missouri and shall provide the **Traffic and** Highway Safety Division satisfactory proof that any modifications or alterations do not adversely affect the ability of the device to satisfy the standards established by the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787 (April 7, 1992), which is incorporated by reference and made a part of this rule as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992. This rule does not incorporate any subsequent amendments or additions to this publication;

5. The authorized service provider must provide informational materials to the Division of Probation and Parole, the circuit courts (including circuit, associate, and municipal divisions), and the Department of Revenue for distribution to operators at no cost;

6. In cases of operator noncompliance, the authorized service provider or his/her installer must notify the appropriate court-ordered supervising authority before the end of the next working day. Noncompliance shall include tampering, circumvention, violations resets, high breath alcohol concentration (BAC), missing a scheduled service date, or other noncompliance as determined by the referring court;

7. The authorized service provider shall notify the appropriate court-ordered supervising authority by the end of the next working day of removal of a device;

8. The authorized service provider**, installation site, and service center** shall conduct physical tamper inspections any time the device is serviced or given routine inspection, maintenance, or repair. Tamper inspections shall include the following:

A. Inspection of all external wiring, insulation, connections, tamper seals, and sheathing for the device and where the device connects to the vehicle; and

B. Checking the device for proper operation to ensure tamper detection capabilities;

9. The authorized service provider must immediately notify the chief law enforcement official of the county, or a city not within a county, where the installer is located**,** and the court-ordered supervising authority of any evidence of tampering with or circumvention

of the device. The evidence must be preserved by the authorized service provider or his/her installer until otherwise notified by local law enforcement officials;

10. The authorized service provider must provide summary reports every thirty (30) days to the court-ordered supervising authority. The summary reports must contain a summary of violations, the number of starts, and all noncompliance on devices placed in service in the state of Missouri under sections 577.600–577.614, RSMo;

11. The authorized service provider must provide to the court-ordered supervising authority additional reports, to include, but not be limited to, records of installation, calibrations, maintenance checks, and usage records on devices placed in service in the state of Missouri under sections 577.600–577.614, RSMo. These records shall be agreed upon and transmitted using electronic transfer protocols or in hard copy;

12. The authorized service provider must provide a quarterly status report to the Missouri Department of Transportation, **Traffic and** Highway Safety Division. The first quarter of each year shall be January 1 through March 31. The quarterly reports should reach the **Traffic and** Highway Safety Division on or before the fifteenth of the month immediately following the end of the quarter. The reports shall be filed electronically and contain the following information: the name of the ignition interlock device, total number of devices in operation in Missouri each quarter at the time of reporting, total number of devices installed during the quarter, total number of voluntary installations during the quarter, total number of devices removed during the quarter, **total number of breath tests,** total number of breath alcohol tests resulting in a BAC above the alcohol setpoint, total number of attempts to circumvent the device **as defined in 7 CSR 60-2.010**, **total number of vehicle starts, total number of miles driven,** and the total number of devices that malfunctioned or were defective;

13. The authorized service provider shall grant the state of Missouri**, or an agent of the state,** the right to inspect or request copies of any and all operator files and records on a random basis **at no cost**;

14. The authorized service provider shall supply for each ignition interlock device installed as a result of a Missouri probation order a warning label, which shall not be less than one-half inch (1/2") in height by three inches (3") in length and shall contain the following language: "WARNING! ANY PERSON TAMPERING, CIRCUMVENTING OR OTHERWISE MISUSING THIS DEVICE IS GUILTY OF A CLASS A MISDEMEANOR.";

15. The authorized service provider must notify the **Traffic and** Highway Safety Division electronically *[or in writing]* of changes in the status of any installer and additions or deletions or other changes to its complete listing of all installers that includes the name, location, phone number, **and** contact name*[, and hours of operation]*. Such notification shall occur at least once per month and shall occur more frequently if additional changes are made; *[and]*

16. Data downloaded from an ignition interlock device shall be—

A. Reviewed by the authorized service provider for any evidence of violations reset, tampering, and/or circumvention as defined in 7 CSR 60-2.010 for the designated monitoring period; and

B. All information obtained as a result of each calibration or inspection must be retained by the authorized service provider for three (3) years from the date the ignition interlock device is removed from the vehicle;

*[16.]***17.** The authorized service provider shall electronically notify the Department of Revenue in a format as determined by the director of revenue within one (1) working day of the following:

A. The date the ignition interlock device was installed;

B. *[The driver's failure to have the ignition interlock device calibrated every thirty (30) days]* **A service lockout condition**; *[and]*

C. The date the ignition interlock device was removed*[.]***; and**

D. The completion of the designated monitoring period of ignition interlock use by the driver with no violation resets, tampering, and/or circumventions as defined in 7 CSR 60-2.010;

18. Each installation site and service center must maintain records documenting all calibrations, downloads, and any other services performed on an ignition interlock device, including service of a violation reset; and

19. Retention of the record of installation, calibrations, downloads, service, and associated invoices must be maintained for a minimum of three (3) years.

(B) The responsibilities of an authorized service provider to the operator shall include:

1. Written instructions on how to clean and care for the device;

2. Written instructions on what type of vehicle malfunctions or repairs may affect the device, and what to do when such repairs are necessary;

3. Written and hands-on training for the operator, and all persons who will use the vehicle, on how to use the device after it is installed in the operator's vehicle. Training shall include operation, maintenance, and safeguards against improper operations;

4. An emergency twenty-four**-** (24-)*[-]* hour toll-free telephone number that the operator may contact to receive assistance in the event of device failure or vehicle problems related to the interlock device. **Calls must either be answered by an ignition interlock technician qualified to service the manufacturer's ignition interlock device, or the call must be returned by a qualified technician within thirty (30) minutes of the original call.**

A. Assistance shall include technical information, tow service, and/or road service.

B. Emergency assistance related to the failure of a device should be provided within two (2) hours *[for vehicles located in or near an area with an installation or repair center]*.

C. The device must be made functional within twenty-four (24) hours from when the call for assistance is made or the device must be replaced;

5. Restoration of the operator's vehicle to its original condition after removal of the breath alcohol ignition interlock device; and

6. Access to an enclosed building with a separate waiting area for operators. If installation is by a mobile unit, the operator must have a separate, enclosed waiting area available.

*AUTHORITY: **sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,** sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] **2012,** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.040. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.040, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.050 Breath Alcohol Ignition Interlock Device Security. The Missouri Highways and Transportation Commission is amending the purpose and subsection (1)(A).

PURPOSE: This proposed amendment provides for physical tamper inspection by authorized breath alcohol ignition interlock service providers.

PURPOSE: This rule outlines the security ***and inspection*** *requirements of the authorized service providers.*

(1) Security.

(A) The authorized service providers shall be responsible for ensuring that the installers comply with all of the following security requirements:

1. Only authorized *[employees]* **technicians** of an installer may observe the installation of a device. Reasonable security measures must be taken to prevent the operator from observing the installation of a device, or obtaining access to installation materials;

2. An installer is prohibited from assisting or facilitating any tampering or circumvention of a device; *[and]*

3. An installer *[may]* **shall** not install or service a device on a vehicle owned or operated by any of its employees*[.]***; and**

4. Physical tamper inspections shall be conducted any time the device is serviced or given routine inspection, maintenance, or repair. Tamper inspections shall include the following:

A. Inspection of all external wiring, insulation, connections, tamper seals, and sheathing for the device and where the device connects to the vehicle; and

B. Checking the device for proper operation to ensure tamper detection capabilities.

AUTHORITY: ***sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,*** *sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008]* ***2012,*** *and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.050. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.050, effective Aug. 28, 2003. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 60—*Traffic and* Highway Safety Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational Requirements

PROPOSED AMENDMENT

7 CSR 60-2.060 Suspension, or Revocation of Approval of a Device. The Missouri Highways and Transportation Commission is amending section (1) and adding sections (2) and (3).

PURPOSE: This proposed amendment clarifies the conditions for which ignition interlock device certification may be suspended or revoked.

(1) Suspension*[, or Revocation]* of Approval of a Device.

(A) The state of Missouri, Department of Transportation, **Traffic and** Highway Safety Division may suspend *[or revoke]* approval of a device, and **temporarily** remove it from the list of approved devices, for any of the following reasons:

[1. Defects in design, materials, or workmanship causing repeated failures of a device;]

*[2.]***1.** Termination or cancellation of an authorized service provider's liability insurance;

[3. Discontinuance in the business of manufacturing devices;]

*[4.]***2.** Voluntary request by an authorized service provider to *[cancel]* **suspend** approval of a device; **or**

[5. Violation by an authorized service provider, or installer, of any of the provisions set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060; or

6. Modification or alteration of the components, design, or installation and operation instructions in such a way that the requirements of the United States Department of Transportation, National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787, which is incorporated by reference and made a part of this rule as published in the Federal Register by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992, are no longer satisfied. This rule does not incorporate any subsequent amendments or additions to this publication.]

3. Any issues with a device, installation site, service center, or technician that are determined to be minor in nature and do not compromise the safety of the public.

(B) A suspension shall last for at least ninety (90) days after the final decision of the Missouri Department of Transportation, Traffic and Highway Safety Division or the committee, whichever comes last. A device that has been suspended may have to follow the procedures of 7 CFR 60-2.020 to become re-approved. The Missouri Department of Transportation, Traffic and Highway Safety Division or the committee may impose additional requirements to ensure the safety of the public for a suspended device to be approved. Actions that have the effect of jeopardizing public safety by the authorized service provider and/or their installers may result in a longer suspension, not to exceed one (1) year.

(2) Revocation of Approval of a Device.

(A) The state of Missouri, Department of Transportation, Traffic and Highway Safety Division may revoke approval of a device, and remove it from the list of approved devices, for any of the following reasons:

1. Defects in design, materials, or workmanship causing repeated failures of a device;

2. Discontinuance in the business of manufacturing devices;

3. Voluntary request by an authorized service provider to revoke approval of a device;

4. Violation by an authorized service provider, or installer, of any of the provisions set forth in 7 CSR 60-2.010 through 7 CSR 60-2.060; or

5. Modification or alteration of the components, design, or installation and operation instructions in such a way that the requirements of the United States Department of Transportation,

National Highway Traffic Safety Administration, identified as "Model Specifications for Breath Alcohol Ignition Interlock Devices" 57 FR 11772–11787, which is incorporated by reference and made a part of this rule as published in the *Federal Register* by the National Highway Traffic Safety Administration, 1200 New Jersey SE, Washington, DC 20590 and effective April 7, 1992, are no longer satisfied. This rule does not incorporate any subsequent amendments or additions to this publication.

(B) A revocation shall last for at least one (1) year after the final decision of the Missouri Department of Transportation, Traffic and Highway Safety Division or the committee, whichever comes last. A device that has been revoked will have to follow the procedures of 7 CFR 60-2.020 to become approved. The Missouri Department of Transportation, Traffic and Highway Safety Division or the committee may impose additional requirements to ensure the safety of the public for a revoked device to be approved. Actions that have the effect of jeopardizing public safety by the authorized service provider and/or their installers may result in a longer revocation, not to exceed five (5) years.

(3) Notice and Review.

*[(B)]***(A)** Notice of suspension or revocation shall be mailed to a representative of the authorized service provider at the last known address on file with the Missouri Department of Transportation, **Traffic and** Highway Safety Division. The notice is deemed received three (3) days after mailing unless returned by postal authorities.

*[(C)]***(B)** A suspension or revocation is effective fifteen (15) days after notification is deemed received by the authorized service provider **when no written request for an informal review has been received by the Missouri Department of Transportation, Traffic and Highway Safety Division**.

(C) If, in the sole discretion of the Missouri Department of Transportation, Traffic and Highway Safety Division, the device shall be suspended or revoked immediately due to a risk to public safety, such suspension or revocation is effective the day notification is deemed received by the authorized service provider.

(D) An authorized service provider may request an informal review of a suspension or revocation. This request must be submitted to the Missouri Department of Transportation, **Traffic and** Highway Safety Division, in writing, within ten (10) days of receipt of a notice of suspension or revocation.

1. The informal review may be conducted in person, in writing, or by telephone with Missouri Department of Transportation, **Traffic and** Highway Safety Division personnel delegated to conduct such informal review by the Missouri Highways and Transportation Commission.

2. In the event that the informal review is unable to resolve the dispute between the **Traffic and** Highway Safety Division and the authorized service provider, the *[initial determination]* **committee may issue a decision which** shall become the final decision of the commission.

(E) Within *[ninety (90)]* **thirty (30)** days of the event of suspension, revocation**,** or voluntary surrender of approval, an authorized service provider shall be responsible for notifying operators of decertified devices and shall bear the cost for the removal of any and all decertified devices from operators' vehicles and the installation of new devices which must be selected from the state of Missouri's list of approved devices.

*AUTHORITY: **sections 302.060, 302.304, 302.309, 302.525, and 577.041, RSMo Supp. 2012,** sections 577.600–577.614, RSMo 2000 and RSMo Supp. [2008] **2012,** and section 226.130, RSMo 2000. This rule originally filed as 11 CSR 60-2.060. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.060, effective Aug. 28, 2003. Amended: Filed May 7, 2009, effective Dec. 30, 2009. Amended: Filed March 7, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.570 Control of Sulfur Emissions From Stationary Boilers. The commission proposes to amend section (2) and subsections (3)(A) and (3)(C). If the commission adopts this rule action, it will be the department's intention to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule limits sulfur dioxide (SO_2) emissions from industrial boilers in the St. Louis Nonattainment Area. This amendment will clarify that the limit for emissions from breweries is for applicable units only and not a limit for the entire installation's emissions. This amendment will also remove definitions that can be found in 10 CSR 10-6.020 Definitions and Common Reference Tables. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a letter dated June 26, 2009, from Anheuser-Busch, Inc. requesting clarification of the regulatory language.

(2) Definitions. **Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.**

[(A) Boiler—An enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water.

(B) Commercial/Institutional boiler—A boiler used in commercial establishments or institutional establishments such as medical centers, institutions of higher education, hotels, and laundries to provide electricity, steam, and/or hot water.

(C) Gaseous fuel—A combustible gas that includes, but is not limited to, natural gas, landfill gas, coal derived gas, refinery gas, and biogas. Blast furnace gas is not considered a gaseous fuel for the purposes of this rule.

(D) Industrial boiler—A boiler used in manufacturing, processing, mining, and refining, or any other industry to provide steam, hot water, and/or electricity.

(E) Liquid fuel—A combustible liquid that includes, but is not limited to, distillate oil, residual oil, waste oil, and process liquids.

(F) Process heater—Any enclosed device using controlled flame, that is not a boiler, and the unit's primary purpose is

to transfer heat indirectly to a process material (liquid, gas, or solid) or to heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not directly come into contact with process materials. Process heaters do not include units used for comfort heat or space heat, food preparation for onsite consumption, or autoclaves.

(G) Solid fuel—A solid material used as a fuel that includes, but is not limited to, coal, wood, biomass, tires, plastics, and other nonfossil solid materials.

(H) Temporary boiler—Any gaseous or liquid fuel boiler that is designed to, and is capable of, being carried or moved from one (1) location to another. A temporary boiler that remains at a location for more than one hundred eighty (180) days during any three hundred sixty-five (365)-day period is no longer considered to be a temporary boiler. Any temporary boiler that replaces a temporary boiler at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

(I) Definitions of certain terms specified in this rule, other than those identified in this rule section, may be found in 10 CSR 10-6.020.]

(3) General Provisions.

(A) Emission Limitations.

1. Except as otherwise provided in this section, no installation shall cause or allow the emission of sulfur dioxide (SO_2) into the atmosphere exceeding one (1.0) pound (lb) of SO_2 per mmBtu of actual heat input in any thirty (30)-day period from any installation with applicable units.

2. No brewery shall cause or allow the *[emission of SO_2 into the atmosphere exceeding three thousand fifty (3,050) tons SO_2 in any twelve (12)-month rolling period from any installation with applicable units]* **combined total of atmospheric emissions of SO_2 from all applicable emission units within an installation to exceed three thousand fifty (3,050) tons during any twelve (12)-month rolling period**. SO_2 emission from all applicable units shall be determined by compliance with subparagraph (3)(C)2.D. of this rule.

(C) Measurements for Multi-Unit and Multi-Fuel Installations. For sources not controlling SO_2 emissions by flue gas desulphurization equipment or by sorbent injection, the following alternate compliance method may be used:

1. SO_2 emission rates for a single boiler that burns different fuels. The owner or operator of an affected installation shall determine the SO_2 emission rate of a large boiler which burns multiple fuels separately, according to the following formula:

$$E_s = \frac{\sum_{i=1}^{q} (Ka_q) + \sum_{i=1}^{r} (Kb_r) + \sum_{i=1}^{s} (Kc_s)}{H_T}$$

Where:

E_s = unit SO_2 emissions in lb per mmBtu heat input;

K_a = solid fuel sample monthly composite SO_2 emission rate in lbs;

K_b = liquid fuel sample monthly composite SO_2 emission rate in lbs;

K_c = gaseous fuel sample monthly composite SO_2 emission rate in lbs;

q = number of different solid fuels used including the number of different batches of coal;

r = number of different liquid fuels used;

s = number of different gaseous fuels used; and

$H_{T/=/}$= total heat content for all fuels in any monthly period.

2. Averaging SO_2 emissions among different boilers.

A. To meet the requirements of paragraphs (3)(A)1. and (3)(A)2. of this rule, if there is more than one (1) existing boiler located at a**n** installation, compliance may be demonstrated by emission averaging according to the procedures in this paragraph.

B. For a group of two (2) or more existing boilers that each vent to a separate or common stack, SO_2 emissions may be averaged to demonstrate compliance with the limits in paragraphs (3)(A)1. and (3)(A)2. of this rule.

C. Compliance with the limit in paragraph (3)(A)1. of this rule must be demonstrated on a monthly rolling average. The first period begins on the compliance date. For each monthly period, the following equation must be used to calculate the monthly rolling average weighted emission rate using the actual heat capacity for each existing boiler participating in the emissions averaging option.

$$\text{Avg Weighted Emissions} = \frac{\sum_{i=1}^{n} (Er \times Hb)}{\sum_{i=1}^{n} Hb}$$

Where:

Avg Weighted Emissions = monthly average weighted emission level for SO_2, in units of lbs per mmBtu of heat input;

Er = Emission rate, in units of lbs per mmBtu of heat input;

Hb = The average heat input for each monthly period of boiler, i, in units of mmBtu; and

n = Number of boilers participating in the emissions averaging option.

D. Compliance with the limit in paragraph (3)(A)2. of this rule must be demonstrated on a twelve (12)-month rolling total. The first period begins on the compliance date. For each twelve (12)-month period, the following equation must be used to calculate the twelve (12)-month rolling total weighted emission rate using the actual heat capacity for each existing boiler participating in the emission averaging option.

$$\text{Avg } SO_2 \text{ Emissions} = \sum_{i=1}^{n} \frac{\sum_{i=1}^{q} (Ka_q)_n + \sum_{i=1}^{r} (Kb_r)_n + \sum_{i=1}^{s} (Kc_s)_n}{1}$$

Where:

Avg SO_2 Emissions = twelve (12)-month total weighted emission level for SO_2, in units of tons of SO_2;

Ka = solid fuel monthly SO_2 emissions in tons based on material/mass balance as the source of the emission factor;

Where:

$$Ka = \frac{\text{Sulfur \% by weight}}{100} \times \frac{64.064}{32.065} \times \frac{\text{tons fuel}}{\text{burned}}$$

Kb = liquid fuel monthly SO_2 emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;

Kc = gaseous fuel monthly SO_2 emissions in tons based on similar material/mass balance calculations as Ka as the source of the emission factor;

n = number of boilers participating in the emissions averaging option;

q = number of different solid fuels used including the number of different batches of coal;

r = number of different liquid fuels used; and

s = number of different gaseous fuels used.

*AUTHORITY: section 643.050, RSMo [2000] **Supp. 2012**. Original rule filed Dec. 16, 2008, effective Sept. 30, 2009. Amended: Filed March 13, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend subsections (5)(D), (6)(A), (6)(E), and (8)(A). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

*PURPOSE: This rule defines sources which are required to obtain permits to construct. It establishes requirements to be met prior to construction or modification of any of these sources. This rule also establishes permit fees and public notice requirements for certain sources and incorporates a means for unifying the processing of construction and operating permit issuance. The purpose of this amendment is to incorporate by reference three (3) U.S. Environmental Protection Agency (EPA) rules that revise plantwide applicability limitations for greenhouse gases (GHGs), repeal the grandfather provision for particulate matter less than 2.5 micrometers ($PM_{2.5}$) under the prevention of significant deterioration (PSD) program, and correct the definition of regulated New Source Review (NSR) pollutant in the NSR program. At the same time, the notification period for initial equipment start-up is being modified to improve tracking of new/modified equipment and testing and de minimis permit air quality analysis requirements are being clarified. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register** Notice dated July 12, 2012, finalizing step 3 of the GHG tailoring rule; **Federal Register** Notice dated May 18, 2011, repealing grandfather clause for $PM_{2.5}$ under PSD program; **Federal Register** Notice dated October 25, 2012, correcting regulated NSR pollutant definition; email dated October 7, 2009, requesting rule language correction; and Rule Comment Form dated August 10, 2010, requesting rule language clarification.*

(5) *De Minimis* Permits.

(D) Air Quality Analysis Requirements.

1. An air quality analysis will not be required for applications having a maximum design capacity emission rate of no more than the hourly *de minimis* level unless paragraph (5)(D)2. **of this rule** applies. For applications having a maximum design capacity emission rate greater than the hourly *de minimis* level, a permit will be issued only if an air quality analysis demonstrates that the proposed construction or modification will not *[appreciably affect air quality or the air quality standards are not appreciably exceeded.]***—**

A. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

B. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that emissions of the proposed construction or modification will *[appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.]***—**

A. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

B. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area; or

C. Complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(6) General Permit Requirements for Construction or Emissions Increase Greater Than *De Minimis* Levels.

(A) A permit shall be issued pursuant to this section only if it is determined that the proposed source operation or installation will not—

1. Violate any of the applicable provisions of this rule;

2. Interfere with the attainment or maintenance of *[ambient air quality standards]* **NAAQS and the air quality standards established in 10 CSR 10-6.010**;

3. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area;

4. Violate any applicable requirements of the Air Conservation Law; and

5. Cause an adverse impact on visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule).

(E) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule shall furnish the permitting authority written notification as follows:

A. A notification of the anticipated date of initial start-up of the source operation or installation *[not more than sixty (60) days or less than]* **within** thirty (30) days *[prior to that date]* **of actual start-up**; and

B. A notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days after that date;

2. A permit may be revoked if construction or modification work is not begun within two (2) years from the date of issuance or if work is suspended for one (1) year, and if—

A. The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

B. The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

C. Failure to revoke the permit would be unfair to other potential applicants;

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit, or any owner or operator of an installation who commences construction or modification after May 13, 1982, without meeting the requirements of this rule, is in violation of this rule;

4. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state, or federal law; and

5. The permitting authority may require monitoring of visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule) near the new installation or major modification for these purposes and by such means as the permitting authority deems necessary and appropriate.

(8) Attainment and Unclassified Area Permits.

(A) All of the subsections of 40 CFR 52.21, other than (a) Plan disapproval, (q) Public participation, (s) Environmental impact statements, and (u) Delegation of authority, promulgated as of July 1, *[2011]* **2012**, and *Federal Register* Notice *[76 FR 43507]* **77 FR 41051** promulgated *[July 20, 2011]* **July 12, 2012, *Federal Register* Notice 77 FR 65107 promulgated October 25, 2012, and *Federal Register* Notice 76 FR 28646 promulgated May 18, 2011**, are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 643.050, RSMo Supp. [2011] **2012**. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 13, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m. June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information. The commission proposes to amend section (2), subsection (3)(A), and section (4). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule provides procedures for reporting emission related information and establishing emission fees for the purpose of state air resource planning. The purpose of this amendment is to add a reference to applicable year(s) for set emission fees, clarify information required in emission reports, clarify types and frequency of reports to be submitted for Emissions Inventory Questionnaire purposes, and remove definitions of terms now located in 10 CSR 10-6.020. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is 643.079, RSMo; a Rule Comment Form dated September 20, 2011, requesting rule language clarification; a rule comment file note dated October 21, 2011, requesting an update to a table term; and an email dated October 17, 2012, requesting that control device ID be included in recordkeeping requirements.

(2) Definitions.

[(A) Air emissions reporting rule—The U.S. Environmental Protection Agency (EPA) rule that finalized changes to emission reporting requirements in 40 CFR Part 51 (Federal Register, December 18, 2008).

(B) Missouri Emissions Inventory System (MoEIS)—Online interface of the state of Missouri's air emissions inventory database.

(C) Particulate matter (PM)—Any material or particle, except uncombined water, that exists in a finely divided form as a liquid or solid and as specifically defined as follows:

1. Condensable PM (PMcon)—Material that is vapor phase at stack conditions but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack. Note that all condensable PM, if present from a source, is typically in the $PM_{2.5}$ size fraction and, therefore, all of it is a component of both primary $PM_{2.5}$ and primary PM_{10};

2. Filterable PM (PMfil)—Particles that are directly emitted by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train. Filterable $PM_{2.5}$ is particulate matter with an aerodynamic diameter equal to or less than 2.5 micrometers. Filterable PM_{10} is particulate matter with an aerodynamic diameter equal to or less than 10 micrometers; and

3. Primary PM (PMpri)—The sum of condensable and filterable PM.

(D) Point source—Large, stationary (nonmobile), identifiable source of emissions that releases pollutants into the atmosphere. A point source is an installation that is either—

1. A major source under 40 CFR part 70 for the pollutants for which reporting is required; or

2. A holder of an intermediate operating permit.

(E) Reporting year—Twelve (12)-month calendar year ending December 31. The reporting requirement for installations with three (3)-year reporting cycles begins with the 2011 reporting year. The subsequent reporting years will be every three (3) years following 2011 (i.e., 2014, 2017, 2020, etc.).

(F) Small source—An installation subject to this rule but not a point source as defined in this section of the rule.

(G) Emissions report—A report that satisfies the provisions of this rule and is either a—

1. Full emissions report—Contains all required data elements for current reporting year; or

2. Reduced reporting form—Represents data elements and emissions from the last full emissions report.]

*[(H)]***(A)** Reportable pollutants—The regulated air pollutants at the process level required for emission inventory reporting as summarized in Table 1 of this rule.

*[(I)]***(B)** Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of this rule. Emissions below this amount may be designated as insignificant on the full emissions report.

*[(J)]***(C)** Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

TABLE 1. Reportable Pollutants with Reporting Thresholds

Process Level Reportable Pollutants		Emission Unit Level Reporting Threshold	
Point Sources	**Small Sources**	**Tons**	**Pounds**
PM_{10} fil	PM_{10} pri	0.438	876
PMcon			
$PM_{2.5}$ fil	$PM_{2.5}$ pri	0.438	876
PMcon			
SO_2		1	2000
NO_x		1	2000
VOC		0.438	876
CO		1	2000
Category One (1) HAP [a]		0.01 [a]	20 [a]
Category Two (2) HAP [b]		0.1 [b]	200 [b]
NH_3		0.438	876
Lead [a]		0.01 [a]	20 [a]

[a] Category One (1) Hazardous Air Pollutant (HAP) chemicals include Polycyclic Organic Matter, Arsenic Compounds, Lead Compounds, Chromium Compounds, Mercury Compounds (Alkyl and Aryl), Mercury Compounds (Inorganic), Nickel Compounds, Chlordane, Benzene, Methoxychlor, Vinyl Chloride, Heptachlor, Benzidine, Butadiene (1,3-), Chloromethyl Methyl Ether, Hexachlorobenzene, Bis(chloromethyl)ether, Asbestos, Polychlorinated Biphenyls, Trifluralin, Tetrachlorodibenzo-P-Dioxin (2,3,7,8-), Toxaphene, and Coke Oven Emissions.

[b] Category Two (2) HAP chemicals are those defined in 10 CSR 10-6.020 that are not included in the list of Category One (1) HAP chemicals

(3) General Provisions.

(A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee of forty dollars and no cents ($40.00) per ton of applicable pollutant emissions identified in Table 2 of this rule **for calendar years 2013, 2014, and 2015 in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule**.

2. For full emissions reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last full emissions report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH_3, CO, $PM_{2.5}$, or HAPs reported as PM_{10} or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department

of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

TABLE 2. Pollutant Fee Applicability

Pollutants Subject to Fees	Pollutants Not Subject to Fees
PM_{10} pri	$PM_{2.5}$ pri
SO_2	CO
NO_x	NH_3
VOC	HAPs reported as PM_{10} or VOC
HAP	
Lead	

(4) Reporting and Record Keeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected and all these records shall be made available upon the director's request.

(A) The owner or operator of an installation that is subject to this rule shall collect information as required in this section of the rule. The information required in the emissions report is listed in Table 3 of this rule. All data elements must be reported initially and only changed data elements must be reported subsequently. To ensure permit consistency, the Air Pollution Control Program Emissions Inventory Unit will provide assistance to identify and quantify the data elements in Table 3 of this rule.

TABLE 3. Data Elements

1. Inventory year
2. Contact name
3. Contact phone number
4. Federal Information Processing Standard (FIPS) County Code
5. Installation plant ID Code
6. Emission unit ID
7. Stack ID
8. Site name
9. Physical address
10. Source Classification Code (SCC)
11. Heat content (fuel) (annual average)
12. Ash content (fuel) (annual average)
13. Sulfur content (fuel) (annual average)
14. Reportable */P/***p**ollutant
15. Activity **level**/throughput
16. Annual emissions
17. Emission factor, with method
18. Winter throughput (percent)
19. Spring throughput (percent)
20. Summer throughput (percent)
21. Fall throughput (percent)
22. Hr/day in operation
23. Days/wk in operation
24. Wks/yr in operation
25. Stack height
26. Stack diameter
27. Exit gas temperature
28. Exit gas velocity
29. Exit gas flow rate
30. Capture efficiency (percent)
31. Control efficiency (percent)
32. Control device type **and ID**
33. Emission release point type
34. Maximum Hourly Design Rate (MHDR)

(B) Types and Frequency of Reporting. The requirements in this subsection are summarized in Table 4 of this rule.

1. All sources (Part 70, intermediate, and small) must submit a Full Emissions Report for the first full calendar year of operation and, for point sources, a Full Emissions Report is required for an initial partial year of operation.

2. Starting with reporting year 2011, subsequent years of operation reports or forms shall be submitted as follows:

A. Part 70 sources must continue to submit a Full Emissions Report annually;

B. Intermediate sources must submit a Full Emissions Report every third year after 2011 (subsequent years 2014, 2017, 2020, etc.) and may submit a Reduced Reporting Form in other years unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates; and

C. Small sources may submit a Reduced Reporting Form for all subsequent years after a Full Emissions Report unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates.

3. An installation may choose to complete a Full Emissions Report in any year.

TABLE 4. Summary of Types and Frequency of Reporting

	Emission Year							
Installation classification	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**Years Beyond 2017***
Part 70	**Full Emissions Report**	**Full Emissions Report**	**Full Emissions Report**	**Full Emissions Report**	**Full Emissions Report**	**Full Emissions Report**	**Full Emissions Report**	*
Intermediate	**Full Emissions Report**	**Reduced Reporting Form** ***(subparagraph (4)(B)2.B.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.B.)***	**Full Emissions Report**	**Reduced Reporting Form** ***(subparagraph (4)(B)2.B.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.B.)***	**Full Emissions Report**	*
Small Source	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	**Reduced Reporting Form** ***(subparagraph (4)(B)2.C.)***	*

***Reporting requirements for years beyond 2017 are repeated in three (3)-year cycles.**
(e.g. requirements for years 2018, 2019, and 2020 are the same as years 2012, 2013, and 2014 respectively)

*[(B)]***(C) Submittal Requirements.**

1. The full emissions report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 4 of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

[TABLE 4. Reporting Frequency

Installation Classification	*Frequency of Full Emissions Report*	*Frequency of Reduced Reporting Form*
Any installation required to obtain a Part 70 permit under 10 CSR 10-6.065.	*Annually.*	*Not Applicable.*
Any installation with an intermediate operating permit.	*Once every three (3) years beginning with reporting year 2011, with subsequent years of 2014, 2017, 2020, etc., and when installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report.*	*When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report.*
Small sources, as defined in subsection (2)(F) of this rule.	*When installation-wide emissions subject to fees increase or decrease by five (5) tons or more since the last full emissions report.*	*When installation-wide emissions subject to fees increase or decrease less than five (5) tons compared to the last full emissions report.]*

*[(C)]***2.** An installation not required to submit a full emissions report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

*[(D)]***3.** The full emissions report is due April 1 after each reporting year. If the full emissions report is filed electronically via MoEIS, this due date is extended to May 1.

[(E) For small sources, the first full emissions report is for the first full calendar year of operation in order to obtain a representative annual emissions total.

(F) For point sources, the initial full emissions report will be required for the first partial year of operation.

(G) For holders of intermediate permits and small sources as defined in this rule, a construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a full emissions report for the first full calendar year the affected permitted equipment operates.]

*[(H)]***4.** The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

*[(I)]***5.** If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

*[(J)]***6.** If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

*[(K)]***7.** After the effective date of this rule, any revision to the department-supplied EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.

*AUTHORITY: section 643.050, RSMo [2000] **Supp. 2012**. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 13, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RESCISSION

10 CSR 10-6.345 Control of NO_x Emissions From Upwind Sources. This rule protected air quality in the St. Louis area by addressing nitrogen oxides (NO_x) sources proposed for construction outside and upwind of the St. Louis nonattainment area. This rule is proposed for rescission because it has expired on December 30, 2011. If the commission adopts this rule action, it will be the department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency because the rule was not written as a permanent requirement and the rule has never been approved as part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule protected air quality in the St. Louis area by addressing nitrogen oxides (NO_x) sources proposed for construction outside and upwind of the St. Louis nonattainment area. This rule is proposed for rescission because it has expired. Subsection (1)(C) states this rule expires five (5) years from the December 30, 2006, effective date. The five (5)-year period ended on December 30, 2011. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is the expiration requirement in subsection (1)(C) of this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed May 4, 2006, effective Dec. 30, 2006. Rescinded: Filed March 13, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., May 30, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.390 Control of NO_x Emissions From Large Stationary Internal Combustion Engines. The commission proposes to amend the purpose, section (2), and subsections (3)(E) and (3)(F). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the

Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. This rule establishes emission levels for large stationary internal combustion engines. This amendment will correct a wording error found in subsection (3)(F). In addition, the amendment will remove the definitions from the rule that can now be found in 10 CSR 10-6.020, Definitions and Common Reference Tables. The definitions are being removed because they were added to 10 CSR 10-6.020 as part of the Air Program's consolidation of all air rule definitions. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a Rule Comment Note from staff mentioning the text error in subsection (3)(F).

PURPOSE: This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. This rule establishes emission levels for large stationary internal combustion engines. The evidence supporting the need for this [proposed rulemaking] ***rule****, per section 536.016, RSMo, is the U.S. Environmental Protection Agency NO_x State Implementation Plan (SIP) Call dated April 21, 2004.*

(2) Definitions. **Definitions of certain terms used in this rule may be found in 10 CSR 10-6.020.**

[(A) Diesel engine—A compression ignited (CI) two- or four-stroke engine in which liquid fuel is injected into the combustion chamber and ignited when the air charge has been compressed to a temperature sufficiently high for auto-ignition.

(B) Dual fuel engine—Compression ignited stationary internal combustion engine that is capable of burning liquid fuel and gaseous fuel simultaneously.

(C) Emergency standby engine—An internal combustion engine used only when normal electrical power or natural gas service is interrupted, or for the emergency pumping of water for either fire protection or flood relief. An emergency standby engine may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been either reached or exceeded.

(D) Engine rating—The output of an engine as determined by the engine manufacturer and listed on the nameplate of the unit, regardless of any derating.

(E) Higher heating value (HHV)—The total heat liberated per mass of fuel burned in British thermal units (Btu) per pound, when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. If certification of the HHV is not provided by the third party fuel supplier, it shall be determined by one of the following test methods: ASTM D2015-85 for solid fuels; ASTM D240-87 or ASTM D2382-88 for liquid hydrocarbon fuels; or ASTM D1826-88 or ASTM D1945-81 in conjunction with ASTM D3588-89 for gaseous fuels. These methods are all incorporated by reference as specified at 40 CFR 52.3002.

(F) Lean-burn engine—Any two- or four-stroke spark ignited (SI) engine with greater than four percent (4%) oxygen in the engine exhaust.

(G) Maintenance operation—Normal routine maintenance on any stationary internal combustion engine subject to this rule or the use of an emergency standby engine and fuel system during testing, repair and routine maintenance to verify its readiness for emergency standby use.

(H) Output—The shaft work output from any engine plus the energy reclaimed by any useful heat recovery system.

(I) Peak load—The maximum instantaneous operating load.

(J) Permitted capacity factor—The annual permitted fuel use divided by the manufacturers specified maximum fuel consumption times eight thousand seven hundred sixty (8,760) hours per year.

(K) Rich-burn engine—A two- or four-stroke SI engine where the oxygen content in the exhaust stream before any dilution is one percent (1%) or less measured on a dry basis.

(L) Stationary internal combustion engine—Internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one (1) location to another and remains at a single site at a building, structure, facility, or installation for more than twelve (12) consecutive months. Any engine or engines that replace an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary internal combustion engines.

(M) Stoichiometric air/fuel ratio—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.

(N) Unit—Any diesel, lean-burn, or rich-burn stationary internal combustion engine as defined in this section.

(O) Utilization rate—The amount of an engine's capacity reported in horsepower-hours that is utilized.

(P) Definitions of certain terms used in this rule, other than those specified in this rule, may be found in 10 CSR 10-6.020.]

(3) General Provisions.

(E) Monitoring Requirements.

1. Any owner or operator meeting the applicability of section (1) of this rule shall not operate such equipment unless it is equipped with one **(1)** of the following:

A. A continuous emissions monitoring system (CEMS), which meets the applicable requirements of 40 CFR *[part]* 60, subpart A, Appendix B, and complies with the quality assurance procedures specified in 40 CFR *[part]* 60, Appendix F. The CEMS shall be used to demonstrate compliance with the applicable emission limit; or

B. A calculational and record keeping procedure based upon actual NO_x emissions testing and correlations with operating parameters. The installation, implementation**,** and use of such an alternate calculational and record keeping procedure must be approved by the director and EPA and incorporated into the SIP in writing prior to implementation.

2. The CEMS or approved alternate monitoring procedure shall be operated and maintained in accordance with an on-site CEMS or alternate monitoring plan approved by the director.

(F) Excess Emissions During Start-Up, Shutdown, or Malfunction. If the owner or operator provides notice of excess emissions pursuant to state rule 10 CSR 10-6.050(3)(B), the director will determine whether the excess emissions are attributable to start-up, shutdown**,** or malfunction conditions, pursuant to rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to such conditions, and if such excess emissions cause *[a kiln]* **an engine** to exceed the applicable emission limits in this rule, the director will determine whether enforcement action is warranted, as provided in rule 10 CSR 10-6.050(3)(C). If the director determines that the excess emissions are attributable to a start-up, shutdown, or malfunction condition and does not warrant enforcement action, those emissions would not be included in the calculation of ozone season NO_x emissions.

AUTHORITY: section 643.050, RSMo [2000] ***Supp. 2012****. Original rule filed Feb. 14, 2005, effective Oct. 30, 2005. Amended: Filed Aug. 27, 2009, effective May 30, 2010. Amended: Filed March 13, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2013.The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes. The commission proposes to amend the purpose, section (2), and section (5). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This regulation restricts the emission of filterable particulate matter in the source gas of an operation or activity except where 10 CSR 10-6.405 and/or 10 CSR 10-6.070 would be applied. This amendment is to provide a hierarchy of various compliance methods to use for demonstrating compliance, clarify that this rule limits filterable particulate matter only, and remove definitions that can be found in 10 CSR 10-6.020 Definitions and Common Reference Tables. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a rule comment form dated Dec. 9, 2011, with a U.S. Environmental Protection Agency email requesting clarification of methods used by sources to demonstrate compliance with this rule.

PURPOSE: This regulation restricts the emission of ***filterable*** *particulate matter in the source gas of an operation or activity except where 10 CSR 10-6.405 and/or 10 CSR 10-6.070 would be applied.*

(2) Definitions. **Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.**

[(A) Process weight is defined as the total weight of all materials, including solid fuels, introduced into an emission unit, which may cause any emission of particulate matter, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion.

(B) Process weight rate is defined as a rate in tons per hour established as follows:

1. The rate of materials introduced to the process which may cause any emission of particulate matter;

2. For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;

3. For cyclical or batch emission units, the total process weight for a period of time which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or

4. Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emissions shall apply.

(C) For purposes of this regulation, a jobbing cupola is defined as a cupola which has a single melting cycle operated no more than ten (10) hours in any consecutive twenty-four (24) hours and no more than fifty (50) hours in any consecutive seven (7) days.

(D) A smoke generating device is defined as a specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium.

(E) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.]

(5) Test Methods. *[The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other test method must be approved by the director.]* **The following hierarchy of emission measurement approaches shall be used to determine compliance with section (3) of this rule. If compliance data is not available from a measurement approach, or an approach is impractical for a source, then the next approach listed in the hierarchy shall be used in its place. The choice of an emissions measurement approach is subject to the approval of the director—**

(A) Continuous Emission Monitoring System (CEMS);

(B) Stack tests as specified in 10 CSR 10-6.030(5)(A) or (5)(B), as determined by the director;

(C) Compliance Assurance Monitoring (CAM) plan found in the facility's operating permit; or

(D) Other methods, as described in permits issued under 10 CSR 10-6.060 or 10 CSR 10-6.065 or as approved by the director. These may include approved engineering calculations or other U.S. Environmental Protection Agency documentation.

*AUTHORITY: section 643.050, RSMo Supp. [2011] **2012**. Original rule filed Jan. 14, 2000, effective Aug. 30, 2000. Amended: Filed Dec. 22, 2000, effective Sept. 30, 2001. Amended: Filed Sept. 9, 2008, effective May 30, 2009. Amended: Filed July 1, 2010, effective Feb. 28, 2011. Amended: Filed Sept. 16, 2011, effective May 30, 2012. Amended: Filed March 13, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 30, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri.

Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 6, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.010 Regulation and Licensing In General. This rule established procedures, testing requirements, and license fees for those persons required to be licensed.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.010 Regulation and Licensing In General

PURPOSE: Under the provisions of sections 84.420 and 84.720 of the ***Revised Statutes of Missouri****, the Board of Police Commissioners of Kansas City, Missouri (board) has the authority and duty to regulate and license all private security and proprietary private investigative personnel, serving or acting as such within Kansas City, Missouri (city). This rule establishes procedures, testing requirements, and license fees for those persons required to be licensed.*

(1) Any corporation, partnership, or other entity that provides private security services and proprietary private investigative services is fully responsible for the acts and omissions of its employees acting in the course and scope of their duties. Training is the responsibility of the entity hiring such employees. The board is a licensing agency, not an employer, and assumes no responsibilities for the acts or omissions of any entity or individual providing such services. The board's functions are limited to licensing and regulating any entity or individual who perform such services. The board shall have the power and duty to enforce the provisions of these rules and upon complaint of any person or on its own initiative to investigate violations, or to investigate the business, business practices, or business method of any person, firm, company, partnership, corporation, or political subdivision applying for or holding a license for providing private security services and proprietary private investigative services if, in the opinion of board, the investigation is warranted. Each entity or individual applicant shall be obligated to supply the information, books, papers, or records as reasonably may be required concerning proposed business practices or methods. Failure to comply with any reasonable request of the board shall be grounds for denying an application for a license or for revoking, suspending, or failing to renew a license issued under these rules. Those licensed must maintain the records that the board requires which include, but are not limited to, records of contract accounts, employment records, time records, and assignment records along with records required to be kept by federal and state law.

(2) Any license granted under section 84.720 of the *Revised Statutes of Missouri* shall constitute a privilege to do business and shall not invest the one licensed with any contractual interest, inherent right, or property interest.

(3) Those licensed to perform private security services or proprietary private investigative services have police powers limited to the property which they have been lawfully assigned to protect. With the exception of those licensed as airport police, whose authority is set out in 17 CSR 10-2.030(1)(A)4., those licensed under these provisions have no authority to enforce ordinances, statutes, or rules on the public streets of city or at any location other than on the property they have been assigned to protect.

(4) Private Officers Licensing Unit (POLU) is responsible for investigating, processing, licensing, inspecting, and the supervision of all persons working or acting as licensed private security or proprietary private investigators. The POLU is further responsible for issuing and transferring all such licenses, for reinstatements, and for periodic inspection of license holders.

(5) Private security and proprietary private investigator licenses are required for each of the following:

(A) Any individual providing private security services or proprietary private investigative services within the city whether for a licensed private security business or otherwise;

(B) Any firm, company, partnership, or corporation that provides private security services or proprietary private investigative services; and

(C) Any political subdivision, sole proprietorship, firm, company, partnership, or corporation that employs personnel to provide private security services or proprietary private investigative services.

(6) The board's licensing requirements do not apply to persons acting as bouncers, process servers, bondsmen, surety recovery agents (bounty hunters), or investigators for attorneys unless acting in a private security capacity as defined in these rules.

(7) No license is required for any peace officer authorized to exercise police powers in the city who holds a valid Peace Officer Standards and Training (POST) certificate.

(8) The board shall perform its functions under statute and under these regulations through the POLU of the Kansas City, Missouri Police Department (department). All private officers and proprietary private investigators are subject to inspection by employees of the board and members of the department. The purpose of such inspections is to ensure that the licensee is in compliance with the provisions of this rule. Failure to cooperate with an employee of the board

or member of the department may result in penalties being assessed as set out in 17 CSR 10-2.060(9).

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded and readopted: Filed March 14, 2013.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions eleven thousand, eight hundred twenty-five dollars ($11,825) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities nine hundred fifty-seven thousand, seven hundred dollars ($957,700) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Name:	17 CSR 10-2.010 – Regulation and Licensing in General
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	**$4185.00**
Jackson County, Missouri Family Court	**$515.00**
Kansas City International Airport Police	**$6555.00**
Housing Authority of Kansas City, Missouri	**$570.00**
Total	**$11,825.00**

III. WORKSHEET

The City of Kansas City, Missouri licenses one (1) armed security officer and sixty-three (63) unarmed security officers. Jackson County, Missouri Family Court licenses five (5) armed officers and one (1) unarmed person per year. The Kansas City International Airport Police and the Housing Authority of Kansas City, Missouri pay a company fee in the amount of three hundred dollars ($300.00) per year. The Kansas City International Airport Police currently licenses fifty (50) armed officers and twenty-seven (27) unarmed officers. The Housing Authority of Kansas City, Missouri currently licenses three (3) armed officers. The rates for new armed licenses will be one hundred forty-five dollars ($145.00) per year. The rate for new unarmed licenses will be ninety dollars ($90.00) per year.

The yearly renewal fees for armed licenses will be ninety dollars ($90.00) per year. The yearly renewal fees for unarmed licensees will be sixty-five dollars ($65.00) per year. The number of current licensees in each category was multiplied by the corresponding

increases in renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of ninety dollars ($90.00) per renewal of armed licenses for a cost of ninety dollars ($90.00) yearly. The City of Kansas City, Missouri will incur costs of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (63) for a cost of four thousand ninety-five dollars ($4095.00) yearly. The total fiscal impact to the City of Kansas City, Missouri is four thousand one hundred eighty-five dollars ($4185.00) per year.

Jackson County, Missouri Family Court will incur costs of ninety dollars ($90.00) per renewal of each of its armed licenses (5) for a cost of four hundred fifty dollars ($450.00) yearly. The Jackson County, Missouri Family Court will incur costs of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (1) for a cost of sixty-five dollars ($65.00) yearly. The total fiscal impact to Jackson County, Missouri is five hundred fifteen dollars ($515.00) per year.

The Kansas City International Airport Police will incur costs in the amount of ninety dollars ($90.00) per renewal of each of its armed licenses (50) for a cost of four thousand five hundred dollars ($4500.00) yearly. The Kansas City International Airport Police will incur costs in the amount of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (27) for a cost of one thousand seven hundred fifty-five dollars ($1755.00) yearly. The total fiscal impact to the Kansas City International Airport Police for renewals is six thousand two hundred fifty-five dollars ($6255.00) per year. The Kansas City International Airport Police also pay a company fee of three hundred dollars ($300.00) per year under the Proposed Rules for a total fiscal impact of six thousand five hundred fifty-five dollars ($6555.00) per year.

The Housing Authority of Kansas City, Missouri will incur costs in the amount of ninety dollars ($90.00) per renewal of each of its armed licenses (3) for a cost of two hundred seventy dollars ($270.00) yearly. The Housing Authority of Kansas City, Missouri also pays a company fee of three hundred dollars ($300.00) per year under the Proposed Rules for a total fiscal impact of five hundred seventy dollars ($570.00) per year.

IV. ASSUMPTIONS

This rule requires that those providing security services be licensed as either armed or unarmed security officers. Other fees assessed are provided for in other sections of this chapter and the fiscal impact of those fees will be outlined in the fiscal notes prepared for those sections. These figures assume that the agencies will renew the licenses of all those currently licensed and will not switch the classifications of the persons they are licensing, i.e., from unarmed to armed or vice versa. These figures also assume that the agencies pay the license fees for those they license, rather than the individual paying the fees themselves. At this time, the City of Kansas City, Missouri and Jackson County,

Missouri Family Court are not charged a company license fee, therefore, there is no fiscal impact due to the company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entities license additional persons, additional costs for new licenses will be incurred in the amounts set out above for new licenses.

FISCAL NOTE
PRIVATE COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.010 – Regulation and Licensing in General
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3000	**Armed Licensees**	**$270,000.00**
700[1]	**New Armed Licenses**	**$101,500.00**
6000	**Unarmed licensees**	**$390,000.00**
1400[2]	**New Unarmed Licenses**	**$126,000.00**
209[3]	**Firms, companies, partnerships and corporations**[4]	**$62,700.00**
25[5]	**New Company Licenses**	**$7500.00**
Total		**$957,700.00**

[1] This is Board's estimate of how many new persons wanting armed licenses will apply in the next year. This estimate will be used throughout these Fiscal Notes.
[2] This is Board's estimate of how many new persons wanting unarmed licenses will apply in the next year. This estimate will be used throughout these Fiscal Notes.
[3] This is the approximate number of companies currently licensed.
[4] Throughout these fiscal notes, the firms, companies, partnerships and corporations which hold licenses are referred to as "companies" and the licenses they hold as "company licenses." Board recognizes that the "companies" are actually organized in various forms under the law. The references to "company" and "company license" are made for ease of reference.
[5] This is the number of new companies which Board anticipates will apply for a license in the next year. This estimate will be used throughout these fiscal notes.

III. WORKSHEET

The fee for a new armed license is one hundred forty-five dollars ($145.00) per year. The fee for new unarmed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for armed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for unarmed licensees is sixty-five dollars ($65.00).

In order to assess the fiscal impact to the individuals acquiring new armed licenses, an estimate of the number of new armed licensees, seven hundred (700) must be multiplied by the fee amount ($145.00) for armed licenses for a total fiscal impact of $101,500.00. In order to determine the fiscal impact to individuals acquiring new unarmed licenses, an estimate of the number of new unarmed licensees, 1400, must be multiplied by the fee amount ($90.00) for unarmed licenses for a total fiscal impact of $126,000.00.

Currently approximately 3000 persons hold armed licenses. With the renewal fee of ninety dollars ($90.00), the fiscal impact to armed licensees is $270,000.00. Currently approximately 6000 persons hold unarmed licenses. With the renewal fee of sixty-five dollars ($65.00), the total fiscal impact to unarmed licensees is $390,000.00

All firms, companies, partnerships and corporations licensed will pay a company fee in the amount of three hundred dollars ($300.00) per year. The number of companies holding licenses (209) was multiplied by the new company fee ($300.00) in order to assess the fiscal impact to the current companies holding licenses in the amount of $62,700.00. Approximately 25 new companies will obtain new licenses during the year. Each will pay the company license fee of $300.00 for a total fiscal impact of $7500.00.

IV. ASSUMPTIONS

These figures make assumptions about the number of new armed, unarmed and company licenses that will be issued each year. They also assume that every individual currently licensed will renew their licenses and that companies will not increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from armed to unarmed or vice versa. These figures also assume that companies pay the license fees for those they license, rather than the individual licensees paying themselves. In fact, Board[6] is aware that some companies pay a portion of the licensing fees for their employees and the employees pay the balance. Board keeps no record of how the various companies operate and how they pay their fees. Therefore the actual cost to these companies cannot be assessed, and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee for the individuals holding licenses with the company.

For a discussion of the full fiscal impact of requiring individuals and companies to be licensed, see Private Entity Fiscal Note for 17 CSR 10-2.040.

---

[6] Throughout these fiscal notes, the Board of Police Commissioners of Kansas City, Missouri will be referred to as "Board."

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.020 Application for a License. This rule, in order to promote and protect the public welfare, required the board to investigate the background, qualifications, and ability of all applicants and required that applicants use application forms provided by the board.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.020 Application for a License

PURPOSE: In order to promote and protect the public welfare, the Board of Police Commissioners of Kansas City, Missouri (board) shall license and regulate those persons wishing to provide private security services or proprietary private investigative services. Application forms provided by the board shall be used by all applicants. All forms may be downloaded at www.kcpd.org.

(1) All individual applicants are required to complete an "Employer's Application for Employment of Private Security/Proprietary Private Investigator 'Intent to Hire Form'" (Form 5409 P.D.). This form must be completed any time a license is applied for, renewed, transferred, or upgraded. All firms, companies, partnerships, corporation, sole proprietorships, and political subdivisions to be licensed under the provisions of section (5) below shall complete "Application for Company License" (Form 5486 P.D.).

(2) The board shall conduct a criminal history records check of each applicant and may conduct investigations as provided by section 84.720 of the *Revised Statutes of Missouri*. The applicant must pay the fee for the criminal history records check and fingerprinting at the time of application and upon each annual renewal.

(3) Each applicant shall submit to photographing and fingerprinting and shall provide proof of identity by submitting with the application a photo identification card, original Social Security card, proof of citizenship, permanent resident card, Military DD214, most recent name change documentation from a court of competent jurisdiction, or other equivalent identification. If an applicant provides proof of identity by submitting permanent resident card, the applicant must provide sufficient proof that they have established a bona fide residence in the United States of America. If an applicant requests a replacement license because of a name change, the applicant must supply to the Private Officers Licensing Unit (POLU) the appropriate name change documentation from a court of competent jurisdiction.

(4) Each applicant shall provide any additional information required by the board to conduct its investigation and shall comply with all requests of the board in the conduct of its investigation for a license under these rules.

(5) Firms, companies, partnerships, corporations, sole proprietorships, or political subdivisions engaging in the business of providing private security services or proprietary private investigative services or firms, companies, partnerships, corporations, sole proprietorships, or political subdivisions that employ other individuals to perform private security services or proprietary private investigative services shall be licensed in addition to any individual license required under these rules. An applicant wishing to obtain a company license for the sole purpose of employing proprietary private investigators must meet the guidelines outlined in 17 CSR 10-2.050(1)(C). Any license granted under this section shall be designated "company license." All company names must be approved by POLU. All licensed companies are required to annually pay a company fee by January 31 of each year and are required to comply with the terms of this regulation and all federal, state, and local laws. Failure to pay such fee will result in the suspension of the company license. In the absence of the annual company license, all licenses granted to employees or agents of that company are automatically suspended.

(6) Before being licensed under these rules, individual and company applicants shall file with the board a certificate of liability insurance in the amount of one (1) million dollars or the equivalent, naming the board as an additional insured and certificate holder and protecting the board from liability judgments, suits, and claims, including, but not limited to, suits for bodily injury, personal injury, including false arrest, libel, slander, invasion of privacy, and property damage arising out of the licensing of individuals and entities providing private security services or proprietary private investigative services. The insurance must be written by a company approved by the Missouri superintendent of insurance and approved by the board with respect to its form, manner of execution and sufficiency, provided further however, before a license is issued to a nonresident of Missouri, the applicant must file with the Missouri Secretary of State a written consent for jurisdiction of the courts of Missouri, and any case(s) arising from any contract for performance of private security services or proprietary private investigative services made within city are to be performed wholly or in part, in the city or in any way connected with the business within the city or occurring in connection with the business of the one licensed within the city. Any company licensed must provide the insurance specified and cover all employees, provided however, that in the event a suit is filed or claim is made involving the board, the company shall immediately notify the board at which time the licensee may be required to furnish additional insurance. Failure of a licensee to maintain insurance is grounds for revocation. In the absence of adequate insurance, all licenses granted to employees or agents of that company are automatically suspended. Equivalent shall mean a bond in like amount or a certificate of self-insurance by a company with audited net worth of five (5) million dollars. Each certificate of insurance must stipulate coverage for armed/unarmed personnel as appropriate.

(7) When, in the opinion of the board, an applicant has fulfilled the

requirements of these rules, the board may issue the applicant a license to provide private security services or proprietary private investigative services.

(8) All those licensed under these rules shall immediately notify the board in writing of any change of address or employment; a company shall notify the board in writing of the termination of employment of any person listed on the company application or any licensed employee and notify the board as to whether or not the individual's license has been returned to the company.

(9) Licenses, issued under these rules, are not transferable or assignable. When any person's license has been terminated, suspended, revoked, or has expired, the license shall be mailed or delivered to the POLU. If the license is lost or stolen, the license holder shall immediately notify POLU and provide a lost card affidavit signed by a company representative. An additional fee and a new Form 5409 P.D. are required. If the license has been stolen, a police report listing the license may be accepted in lieu of the additional fee. Any person licensed under these rules may hold a maximum of three (3) licenses.

(10) All those licensed will be required to furnish a photograph and description of all vehicles to be used in the course of their business, including state license numbers, vehicle identification numbers, and provide proof of adequate automobile liability insurance coverage in accordance with the requirements established by the state of Missouri. All vehicles must clearly state that the vehicle is a security vehicle and display the company name. Use of any sign, signal, or other device contrary to the ordinance of the city, or which is similar in appearance to those used by the department is prohibited and may be grounds for denial, suspension, or revocation of a license. No private security company, proprietary private investigative company, or individual is authorized to operate any emergency vehicle as that term is defined by state law or city ordinance without the prior approval of the board. No vehicle displaying the word "police" shall be approved for use except as set out in 17 CSR 10-2.030(1)(A)4.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities $1,170,000 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.020 – Application for a License
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
209[1]	**Company Licenses**	**$1,045,000.00**
25[2]	**New Company Licenses**	**$125,000.00**
Total		**$1,170,000.00**

III. WORKSHEET

There are currently approximately two hundred and nine (209) companies licensed by Board. Each company is required to carry a certificate of liability insurance in the amount of one million dollars ($1,000,000.00) or the equivalent naming Board as an additional insured and certificate holder. The equivalent means a bond in like amount or a self-insurance certificate if the company has an audited net worth of five million dollars ($5,000,000.00). Using the figure of five thousand dollars ($5,000.00) per year per company, the resulting fiscal impact to the 209 companies currently holding licenses would be one million forty-five thousand dollars ($1,045,000.00). Assuming twenty-five (25) new companies apply for licenses in the next year, the resulting fiscal impact to those entities would be one hundred twenty-five thousand dollars ($125,000.00).

IV. ASSUMPTIONS

[1] This is the approximate number of companies currently licensed.
[2] This is the number of new companies which Board anticipates will apply for a license in the next year.

Board is unable to exactly calculate the fiscal impact of this insurance requirement to the companies licensed. The cost of insurance varies depending on the insurance company's loss experience with the insured, the company's payroll, whether the company employs armed or unarmed security officers, the nature and location of their business and many other factors which cannot be precisely calculated by Board. Based on information available to Board, it appears that on average the insurance cost to a company, firm or corporation is approximately five thousand dollars ($5000.00) per year. That figure was used to calculate the fiscal impact of this rule.

For a discussion of the fiscal impact of requiring private entities to purchase a company license, see Private Entity Fiscal Note for 17 CSR 10-2.040.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.030 Classification of Licenses. This rule established minimum qualification standards and classification of licenses related to specific private security services provided by the board.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.030 Classification of Licenses

PURPOSE: This rule establishes minimum standards and classification of licenses related to specific private security services or proprietary private investigative services provided.

(1) Individual licenses to provide private security services or proprietary private investigative services granted pursuant to this chapter shall be classified as either Class A licenses or Class B licenses.

(A) Class A licensees shall have the authority to detain or apprehend suspects either committing felonies, misdemeanors, or city ordinance violations in the presence of the licensee or during the attempt to commit the same or upon probable cause to believe an offense was committed; provided, however, the authority is limited to the property the licensee is hired to protect during the hours s/he is hired to protect said property and is not to extend to the public streets of the city with the exception of suspects fleeing from private property on foot. In that case, the authority shall extend to the public streets so long as there is hot pursuit and the suspect has not attempted escape in a vehicle and further excepting airport police officers whose authority is set forth in this rule. No vehicle pursuits are allowed except as specifically authorized in 17 CSR 10-2.030(10)(A)4. Class A licenses may be further classified pursuant to the following titles, designations, and authorities:

1. Loss prevention agent—One who is unarmed, nonuniformed, and is responsible to observe, investigate, apprehend, and prosecute shoplifters, fraud checks, internal thefts, and the like. This individual is employed to prevent theft by unobtrusive, alert skills;

2. Patrol agent—Armed or unarmed, uniformed position delegated all the responsibility of a guard with the authority to react to illegal action by apprehension or detention. Persons, such as bank guards and hospital security, are normally assigned to a particular designated post to protect persons and property. This individual may also be responsible for proactive, aggressive policing of the property they are hired to protect. These responsibilities include foot patrol, response to alarms, self-initiated activity such as car and pedestrian checks on designated private property, investigations, apprehension or detention of suspects, and assisting in prosecution;

3. Proprietary private investigator—An armed or unarmed, nonuniformed person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer and where there exists an employer-employee relationship, responsible for investigations which impact that employer. The qualification for this classification is set out in 17 CSR 10-2.050(1)(C); and

4. Airport police—Armed and uniformed position responsible for patrolling the property designated as the Kansas City International Airport and the Charles B. Wheeler Downtown Airport who are granted special permission to be known as the Kansas City International Airport Police. These officers are exempt from the provisions of 17 CSR 10-2.060(4). Airport police personnel shall be required to have a Class A license. Officers with licenses pursuant to this subclassification have the following authority, in addition to those created by the Class A license. The Class A license that has the airport police designation shall have authority to enforce city ordinance and state statute violations upon the public streets of the city, but only upon the streets within the property boundaries of the Kansas City International Airport and the Charles B. Wheeler Downtown Airport. The Class A license that has the designation unarmed, uniformed "traffic control officer" shall have the authority to control traffic and issue citations for parking violations, but only upon the streets within the property boundaries of the Kansas City International Airport and the Charles B. Wheeler Downtown Airport. This section grants no authority to engage in a vehicle pursuit on streets not within the property boundaries of the Kansas City International Airport or the Charles B. Wheeler Downtown Airport.

(B) Class B licenses shall not grant the authority for the licensees to detain or apprehend suspects. An applicant shall designate the particular subclassification listed in this subsection when applying for a Class B license. An applicant must make a separate application when applying for a Class B license designating more than one (1) subclassification of authority. The license identification issued by the Board of Police Commissioners of Kansas City, Missouri (board) shall designate which subcategory of a Class B license has been granted.

1. Guard—A guard is an unarmed, uniformed position with primary responsibilities being to watch and report on/or in a specific premises or designated area, to escort or guide, to control crowds, to give directions, to monitor camera systems, to control access, and to offer assistance for the safety of others. The guard has no authority to detain or apprehend a person suspected of committing a crime.

2. Armed courier—An armed, uniformed position primarily responsible for the protection and transport of money and other valuables from one (1) designated area to another. This licensee has the authority to conduct private security services on the public streets of the city, but this authority is limited to protecting property from activities which would impact the property protected. The courier must meet the qualifications relating to authority to carry a firearm, as set out in this chapter.

3. Proprietary private investigator—An armed or unarmed, nonuniformed person employed exclusively and regularly by one (1) employer in connection with the affairs of that employer and where there exists an employer-employee relationship, responsible for investigations which impact that employer. The qualification for this classification is set out in 17 CSR 10-2.050(1)(C).

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5. 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded and readopted: Filed March 14, 2013.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.040 Application Forms and Licensing Fees. This rule established a schedule of licensing fees and provided a list of approved forms used by the board to administer its responsibilities in the area of regulation and licensing of private security personnel.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.040 Application Forms and Licensing Fees

PURPOSE: The Board of Police Commissioners of Kansas City, Missouri (board), in order to administer its responsibilities in the area of regulation and licensing of private security and proprietary private investigative personnel, shall establish a schedule of licensing fees and list of approved forms.

(1) The fees for licensing, renewing, transferring, etc., are as follows:

(A) Annual Company License	$300.00
(B) Class A—Armed License	$145.00
(C) Class A—Armed License Renewal	$ 90.00
(D) Class A—Unarmed License	$ 90.00
(E) Class A—Unarmed License Renewal	$ 65.00
(F) Class B—Armed License	$145.00
(G) Class B—Armed License Renewal	$ 90.00
(H) Class B—Unarmed License	$ 90.00
(I) Class B—Unarmed License Renewal	$ 65.00
(J) Replacement of Lost/Stolen License	$ 65.00
(K) Dual License	$ 65.00
(L) Change of Company Name	$150.00
(M) License Upgrade/Change of license classification	$ 65.00
(N) Rescheduling Fee (test failure, fail to qualify or attend range)	$ 85.00
(O) Weapon Change	$ 85.00
(P) State/NCIC/FBI Annual Fingerprinting Fee	$ 40.00
(Q) Reinstatement Fee (following suspension/ revocation)	$ 65.00
(R) License Transfer	$ 65.00
(S) Copy Fee	$ 1.00 per page
(T) Annual Range Fee (Training and Qualification/ Continuing Education)	$ 85.00
(U) Classroom Training/Continuing Education Fee (every 2 years)	$ 50.00

(2) Only cash, credit cards, money orders, cashier's checks, or checks drawn on accounts of licensed companies are accepted in payment of fees. All fees are nonrefundable.

(3) The board will provide forms for applicants to use. All forms may be downloaded at www.kcpd.org.

(A) Form 5001 P.D., "Information for Private Security/Proprietary Investigative Personnel," provides basic information to private security and proprietary private investigative personnel which includes the source of the board's authority to license private security and proprietary private investigative personnel; information on the classifications of licenses; the duties and authority of the various license classifications; information concerning firearms qualification; and scheduling and directions to the police pistol range.

(B) Form 5297 P.D., "Instructions for Licensing a Company to Employ Private Security and Proprietary Private Investigative Personnel," provides instructions for licensing a company to employ private security and proprietary private investigative personnel which includes instructions concerning the required certificate of liability insurance; required documents; fee required; criminal history records check information; lists the private officer license classifications; procedures for monthly invoices; and information concerning the required examination and firearms qualification.

(C) Form 5409 P.D. is the "Employer's Application for Employment of Private Security/Proprietary Private Investigators 'Intent to Hire.'" This form must be presented any time a license is applied for, renewed, or transferred. This is the basic application form for individual licensees which requests the following information: name of business, address, and telephone number; the individual applicant's name, address, telephone number, date of birth, and Social Security number; the type of license being applied for; and if armed, the make, model, caliber, and serial number of the firearm the applicant intends to carry. The form must be signed by both the individual applicant and an authorized company representative. No Form 5409 P.D. will be accepted if signed by a person other than the authorized representative designated by the company in writing and on file with the Private Officers Licensing Unit (POLU).

(D) Form 5486 P.D. is the "Application for Company License." This form is the basic application form for companies wishing to

regularly work or employ persons to engage in private security or proprietary private investigative businesses in the City of Kansas City, Missouri. It requires the following information: the company's trade name; the company's legal name, its address, its mailing address, and business phone; the principal name of the company and home office address and telephone; whether the company is using a fictitious name and whether that name is registered with the Missouri Secretary of State; whether the business is a corporation registered in a state other than Missouri but doing business in Missouri; a copy of the company's registration in Missouri and certificate of good standing from the Missouri Secretary of State if appropriate; a description of the company; information concerning whether a license issued by any governmental entity to the company has ever been denied, suspended, or revoked; a description of the uniform along with a photograph which clearly displays the company name and the word security either on the uniform or company patch to be worn by the company's personnel (the POLU will approve in advance all uniforms to be worn by any licensee); the approximate number of persons to be licensed; a list of all company-owned firearms; a list of the names, addresses, and capacities of each of the owners, partners, officers, directors, and associates of the company; a list of the company's contact persons who are authorized to sign and do business with the board; information and proof that the persons listed in the application are U.S. citizens; and the company's federal employment identification number (E.I.N.).

(E) Form 5715 P.D. is the "Verification of Firearms Training" form. This form requires an individual and his/her instructor to certify that the applicant has been trained in the use of the firearm the applicant intends to carry on duty. Information concerning what the training must include appears on the form. The form must be signed by the training instructor and the training instructor's company must be listed. This form must be presented to the POLU prior to the applicant being scheduled for the range.

(F) Form 5636 P.D. is the "Weapons Discharge Report." This form is designed to report information whenever a licensee discharges his/her firearm. Information which must be provided on the form includes: the name of the licensee and date the license expires; the licensee's weapon make, model, and serial number; the location of the incident; the time of the incident; the name of the licensee's supervisor and the time they were notified of the discharge; whether the licensee was on-duty and in uniform; whether any fatalities or injuries resulted from the discharge; whether the shooting was accidental or intentional; the department's case report number in connection with the incident; a narrative description of what transpired; the signature of the licensee along with the licensee's date of birth; and the signature of the company representative along with the company name and address. This form must be received by the POLU within five (5) days of the incident.

(G) Form 5707 P.D. is a "Temporary License Extension" form. It requests the date, the name of the licensee, their date of birth, and their employer's name. This form provides a temporary license to those who have not yet attended their scheduled firearms qualification date.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand, four hundred forty-three dollars and twenty-five cents ($22,443.25) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities $2,262,875 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Name:	17 CSR 10-2.040 – Application Forms and Licensing Fees
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	**$9982.00**
Jackson County, Missouri Family Court	**$978.50**
Kansas City International Airport Police	**$10568.50**
Housing Authority of Kansas City, Missouri	**$914.25**
Total	**$22,443.25**

III. WORKSHEET

The fee for a new armed license is one hundred forty-five dollars ($145.00) per year. The fee for new unarmed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for armed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for unarmed licensees is sixty-five dollars ($65.00).

The City of Kansas City, Missouri licenses one (1) armed security officer and sixty-three (63) unarmed security officers. Jackson County, Missouri Family Court licenses five (5) armed officers and one (1) unarmed person per year. The Kansas City International Airport Police and the Housing Authority of Kansas City, Missouri pay a company fee in the amount of three hundred dollars ($300.00) per year. The Kansas City International Airport Police currently licenses fifty (50) armed officers and twenty-seven (27) unarmed officers. The Housing Authority of Kansas City, Missouri currently licenses three (3) armed officers. The number of current licensees in each category was multiplied by the corresponding renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of ninety dollars ($90.00) per renewal of its armed license (1) for a cost of ninety dollars ($90.00) yearly. In addition, each armed applicant will pay a range fee in the amount of eighty-five dollars ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00) for a total cost of two hundred sixty-four dollars and twenty-five cents ($264.25). The City of Kansas City,

Missouri will incur costs of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (63) for a cost of four thousand ninety-five dollars ($4095.00) yearly. The unarmed applicants will each pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee of fifty dollars ($50.00). These additional costs amount to five thousand six hundred twenty-two dollars and seventy-five cents ($5622.75) for unarmed licensees. The total fiscal impact for unarmed applicants to the City of Kansas City, Missouri is nine thousand seven hundred seventeen dollars and seventy-five cents ($9717.75) per year. Total fiscal impact for all licensees to the City of Kansas City, Missouri is nine thousand nine hundred eighty-two dollars ($9982.00).

Jackson County, Missouri Family Court will incur costs of ninety dollars ($90.00) per renewal of each of its armed licenses (5) for a cost of four hundred fifty dollars ($450.00) yearly. Each armed licensees will pay a range fee in the amount of eighty-five dollars ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00) for an additional fiscal impact for armed licensees in the amount of three hundred seventy four dollars and twenty-five cents ($374.25). The total fiscal impact for armed applicants is eight hundred twenty-four dollars and twenty-five cents ($824.25). The Jackson County, Missouri Family Court will incur costs of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (1) for a cost of sixty-five dollars ($65.00) yearly. The total fiscal impact to Jackson County, Missouri for renewal of unarmed licenses is sixty-five dollars ($65.00) per year. Each unarmed licensee will pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00) for an additional fiscal impact for unarmed licensees in the amount of eighty-nine dollars and twenty-five cents ($89.25). The total fiscal impact for the unarmed applicant is one hundred fifty-four dollars and twenty-five cents ($154.25), and the total cost for all licensees is nine hundred seventy-eight dollars and fifty cents ($978.50) to the Jackson County, Missouri Family Court.

The Kansas City International Airport Police will incur costs in the amount of ninety dollars ($90.00) per renewal of each of its armed licenses (50) for a cost of four thousand five hundred dollars ($4500.00) yearly. In addition, each armed applicant will pay a range fee in the amount of eighty-five dollars ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00). The additional fiscal impact to armed licensees is two thousand six hundred twenty-four dollars and twenty-five cents ($2624.25) for a total fiscal impact for armed licensees of seven thousand one hundred twenty-four dollars and twenty-five cents ($7124.25). The Kansas City International Airport Police will incur costs in the amount of sixty-five dollars ($65.00) per renewal of each of its unarmed licenses (27) for a cost of one thousand seven hundred fifty-five dollars ($1755.00) yearly. Additionally, unarmed licenses will pay an annual fingerprinting fee of thirty-nine dollars and twenty-five cents and a training fee in the amount of fifty dollars ($50.00). The fiscal impact of these additional fees is one thousand three hundred eighty-nine dollars and twenty-five cents ($1389.25). The total fiscal impact to the Kansas City International Airport Police for unarmed renewals is three thousand one hundred forty-four dollars and twenty-five cents ($3144.25). The total fiscal impact for armed and unarmed licenses is ten thousand two hundred sixty-eight dollars and fifty cents ($10,268.50). The Kansas City International Airport Police also pay a company fee of three hundred dollars ($300.00) per year under the Proposed Rules for a total fiscal impact of ten thousand five hundred sixty-eight dollars and fifty cents ($10,568.50) per year.

The Housing Authority of Kansas City, Missouri will incur costs in the amount of ninety dollars ($90.00) per renewal of each of its armed licenses (3) for a cost of two hundred seventy dollars ($270.00) yearly. Additionally, each armed licensee will pay a range fee in the amount of eighty-five dollars ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00) for an additional three hundred forty-four dollars and twenty-five cents ($344.25). Total fiscal impact for licensees is therefore, six hundred fourteen dollars and twenty-five cents ($614.25). The Housing Authority of Kansas City, Missouri also pays a company fee of three hundred dollars ($300.00) per year under the Proposed Rules for a total fiscal impact of nine hundred fourteen dollars and twenty-five cents ($914.25) per year.

IV. ASSUMPTIONS

This rule requires that those providing security services be licensed as either armed or unarmed security officers. Other fees assessed are provided for in other sections of this chapter and the fiscal impact of those fees will be outlined in the fiscal notes prepared for those sections. These figures assume that the agencies will renew the licenses of all those currently licensed and will not switch the classifications of the persons they are licensing, i.e., from unarmed to armed or vice versa. These figures also assume that the agencies pay the license fees for those they license, rather than the individual paying the fees themselves. Board keeps no records of how the various entities operate and how they pay their fees. Therefore, the actual cost to these entities cannot be assessed and it must be assumed that for purposes of this fiscal note that the entities pay the entire fee. At this time, the City of Kansas City, Missouri and Jackson County, Missouri Family Court are not charged a company license fee, therefore, there is no fiscal impact due to the company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entities license additional persons, additional costs for new licenses will be incurred in the amounts set out above for new licenses.

This Proposed Rule also sets out the fees for license transfers, dual licenses, upgrading of a license, replacement of lost or stolen licenses, rescheduling fees for the range, weapons changes, late fees and copying fees. Because the Board is unable to estimate in advance how many persons will lose their licenses, transfer their licenses, apply for a dual license, etc., the fiscal impact cannot be estimated. Again, Board would not know whether the public entities or the individual licensees would be paying these fees and therefore, the impact to the entities is uncertain.

FISCAL NOTE
PRIVATE COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.040 – Application Forms and License Fees
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3000	**Armed Licensees**	**$792,750.00**
700	**New Armed Licensees**	**$223,475.00**
6000	**Unarmed Licensees**	**$925,500.00**
1400	**New Unarmed Licensees**	**$250,950.00**
209	**Company Licenses**	**$62,700.00**
25	**New Company Licenses**	**$7,500.00**
Total		**$2,262,875.00**

III. WORKSHEET

The fee for a new armed license is one hundred forty-five dollars ($145.00) per year. The fee for new unarmed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for armed licenses is ninety dollars ($90.00) per year. The yearly renewal fee for unarmed licensees is sixty-five dollars ($65.00).

Currently approximately 3000 persons hold armed licenses. With the renewal fee of ninety dollars ($90.00), the fiscal impact to armed licensees is $270,000.00. The armed applicants will also pay a range fee of eighty-five ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00). Therefore, the fiscal impact to armed licensees is an additional

$522,750.00 for a total fiscal impact of $792,750.00. Currently approximately 6000 persons hold unarmed licenses. With the renewal fee of sixty-five dollars ($65.00), the fiscal impact to unarmed licensees is $390,000.00. The unarmed applicants will also pay a training fee of fifty dollars ($50.00) and an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) for a fiscal impact of $535,500.00. Total fiscal impact to unarmed licensees is $925,500.00.

In order to assess the fiscal impact to the individuals acquiring new armed licenses, an estimate of the number of new armed licensees, seven hundred (700) must be multiplied by the fee amount ($145.00) for armed licenses for a fiscal impact of $101,500.00 for licenses. In addition, each new armed applicant will pay a range fee in the amount of eighty-five dollars ($85.00), an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) and a training fee in the amount of fifty dollars ($50.00) for a fiscal impact of $121,975.00. The total fiscal impact to new armed licensees is $223,475.00. In order to determine the fiscal impact to individuals acquiring new unarmed licenses, an estimate of the number of new unarmed licensees, 1400, must be multiplied by the fee amount ($90.00) for unarmed licenses for a fiscal impact of $126,000.00 for the license. In addition, each unarmed licensee will pay a training fee in the amount of fifty dollars ($50.00) and an annual fingerprinting fee of thirty-nine dollars and twenty-five cents ($39.25) for a fiscal impact of 124,950.00. The total fiscal impact to new unarmed licensees is $250,950.00

All firms, companies, partnerships and corporations licensed will pay a company fee in the amount of three hundred dollars ($300.00) per year. The approximate number of companies holding licenses (209) was multiplied by the new company fee ($300.00) in order to assess the fiscal impact to the current companies holding licenses in the amount of $62,700.00. Approximately 25 new companies will obtain new licenses during the year. Each will pay the company license fee of $300.00 for a total fiscal impact of $7500.00.

IV. ASSUMPTIONS

These figures assume that Board is correct about the number of persons who will newly apply for armed, unarmed and company licenses in the next year. These figures also assume that the companies pay the license fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

This Proposed Rule also sets out the fees for license transfers, dual licenses, upgrading of a license, changing a company name, replacement of lost or stolen licenses, rescheduling fees for the range, weapons changes, late fees and copying fees. Because the Board is unable to estimate in advance how many persons will lose their licenses, transfer their licenses to a new company, apply for a dual license, etc., the fiscal impact cannot be estimated. Again, Board would not know whether companies or the individual licensees would be paying these fees and therefore, the impact to businesses is uncertain.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.050 Testing Requirements and Qualification Standards. This rule established testing requirements for those seeking individual licensing pursuant to these provisions and established qualification standards pursuant to the duties carried out by individuals providing private security services.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.050 Testing Requirements and Qualification Standards

PURPOSE: In accordance with generally recognized policing standards, the Board of Police Commissioners of Kansas City, Missouri (board) has established testing requirements for those seeking individual licensing pursuant to these provisions and has established qualification standards pursuant to the duties carried out by individuals providing private security or proprietary private investigative services.

(1) All applicants for licensing shall successfully pass a written examination as presented by the department to potential licensees. A person failing to obtain a passing score as established by the board may be allowed to retake the written test three (3) times. An additional fee and a new Form 5409 P.D. is required each time the test is retaken. The test may not be taken more than one (1) time per day. An applicant shall have the right to review their test. The Private Officers Licensing Unit (POLU) may refuse to test any person if evidence exists that there is grounds for denial of the license. This excludes any person holding an active or inactive Peace Officer Standards and Training (POST) certification and all retired sworn members of the department. The board has established categories of testing that reflect the responsibilities and qualifications required for the type of license sought by the applicant. An information manual outlining the examination will be available from the POLU. It is the company's responsibility to provide training necessary to prepare the applicant to take and pass the board's written examination. In addition to obtaining the license as an armed licensee, the company must certify that the applicant or licensee has completed the required training and must present a completed Form 5715 P.D. at the time of application. The licensee must successfully qualify annually with their weapon. The qualification will be equivalent to that required for department police officers. In addition, any person holding an armed license shall requalify any time they change weapons. A licensee may only carry and qualify with one (1) weapon per company unless specific authorization is obtained from POLU. As set out in 17 CSR 10-2.040(1), a fee will be charged anytime a weapon change is made.

(A) Applicants for Class A licensing, in addition to those topics listed in subsection (1)(B) of this rule, shall also be tested on crime and criminal liability, firearms responsibility and liability, and patrol techniques. Class A licenses issued to those requesting designation as a proprietary private investigator shall also be tested on investigative techniques, illegal electronic surveillance, audio recording, and visual or video recording when permissible.

(B) Applicants for Class B licensing as provided in this chapter shall be tested on detention and seizure, how to interact with the general public and public officials, the licensing process, including rules, how to react to crisis situations, and liability issues.

(C) Applicants for proprietary private investigator must possess a high school diploma and one (1) of the following: A two- (2-) year degree in Administration of Criminal Justice or a bachelor's degree; two (2) consecutive years prior investigative experience in law enforcement, military police, or military intelligence functions; or two (2) years consecutive experience with a licensed private security or proprietary private investigative company, and be certified by that company as to knowledge of the law and investigative techniques.

(D) Each armed licensee will complete four (4) hours of training at the Kansas City, Missouri Police Pistol Range (range) each year. The curriculum will be set by the range staff. Each armed licensee may additionally be required to complete four (4) hours of classroom training every two (2) years. The curriculum will be set by the POLU. Each company representative who is authorized to sign and do business with the board as outlined on Form 5486 P.D. along with all those licensed in an unarmed capacity may be required to complete the four- (4-) hour classroom portion of the training every two (2) years. Each company representative and licensee will pay the training fees associated with these continuing education requirements as set out in 17 CSR 10-2.040(1).

(2) As all applicants for Class A licenses are granted the authority to detain or apprehend, each applicant or his/her employer must certify annually on the Form 5409 P.D. to the satisfaction of the board that the applicant is physically and mentally capable of being able to safely detain or apprehend suspects without the necessity of resorting to the displaying or discharging of a weapon except in self-defense or in defense of another. This will require every applicant to submit at renewal annually a Form 5409 P.D. The board may investigate the certification and may reject the application if there is evidence that the certification is false or incorrect.

(3) Additionally, each applicant applying for a license under these provisions must meet these standards—

(A) Meet the qualifications in 17 CSR 10-2.020(3);

(B) Be at least twenty-one (21) years of age to hold an armed license and be at least eighteen (18) years of age to hold an unarmed license;

(C) Be able to read, write, and understand the English language;

(D) Meet physical and mental standards equivalent to those required of department police officers;

(E) Be capable of understanding and performing the duties and responsibilities of a licensee;

(F) If the applicant served in the Armed Forces of the United States within ten (10) years prior to the date of application, the final

discharge of the applicant from the armed forces must be honorable or general under honorable conditions;

(G) Not have been convicted of a felony or a misdemeanor in federal or state court;

(H) Be of good moral character by having no felony convictions, misdemeanor convictions, or city ordinance convictions, which have as an essential element fraud, dishonesty, an act of violence, bribery, illegal drug use, sexual misconduct, and other similar acts constituting moral turpitude as defined by the common law of Missouri except that city ordinance convictions involving driving while intoxicated or driving under the influence of alcohol or drugs will be considered on a case-by-case basis;

(I) For armed applicants, not be the respondent named in a full order of protection currently in effect issued after a hearing by a court of competent jurisdiction;

(J) Have no prior revocation of a security license;

(K) Failing to meet the standards as set out herein;

(L) Making any false statements or giving any false information in connection with an application for a license;

(M) Failing to provide information deemed necessary in order to establish eligibility;

(N) Holding a license which is suspended, including a suspension which is currently under review or under a stay pending the outcome of litigation in a court of competent jurisdiction;

(O) Providing other facts or actions which demonstrate that the applicant is unsuitable or ineligible for license; and

(P) Being terminated from or resigning under investigation or threat of discharge from the department shall make an individual ineligible for a license, but s/he may appeal to the board pursuant to the appeal process contained in this chapter.

(4) Applicants and their employers, in the event of license denial, will be given a written notification. Applicants may appeal in writing to the POLU within thirty (30) days of denial notification. The appeal should contain a brief statement responding to the reasons for denial. The board will then notify the applicant in writing of its formal decision on the matter. Applicants have no right to a hearing or presentation to board.

(5) The board reserves the right to prohibit the holder of a license from carrying any firearm.

(6) All licenses granted by the board as set out herein may be temporary until the completion of the applicant's criminal history records check. Armed licenses will not be issued until the criminal history records check results are received by the POLU.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded and readopted: Filed March 14, 2013.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twelve thousand, five hundred fifteen dollars ($12,515) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities five hundred fifty-five thousand dollars ($555,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Name:	17 CSR 10-2.050 – Testing Requirements and Qualification Standards
Type of Rulemaking:	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	**$3285.00**
Jackson County, Missouri Family Court	**$725.00**
Kansas City International Airport Police	**$8100.00**
Housing Authority of Kansas City, Missouri	**$405.00**
Total	**$12,515.00**

III. WORKSHEET

Each armed licensee will pay a range fee in the amount of eighty-five dollars ($85.00) and may pay a training fee in the amount of fifty dollars ($50.00) for a total fiscal impact of one hundred thirty-five dollars ($135.00) per armed licensee. Unarmed licensees will pay only the fifty dollar ($50.00) training fee, should Board decide to assess that fee.

The City of Kansas City, Missouri licenses one (1) armed and sixty-three (63) unarmed persons. The armed licensee will pay one hundred thirty-five dollars ($135.00) and the sixty-three (63) unarmed applicants will be assessed three thousand one hundred fifty dollars ($3150.00) for a total fiscal impact to the City of Kansas City, Missouri.

The Jackson County Family Court licensees five (5) armed and one (1) unarmed licensee. The five (5) armed persons will pay six hundred seventy-five dollars ($675.00) and the unarmed applicant will pay fifty dollars ($50.00).

The Kansas City International Airport Police has 50 armed licensees and twenty-seven (27) unarmed licensees. The armed licensees will pay one hundred thirty-five dollars each for a total of six thousand seven hundred fifty dollars ($6750.00). The unarmed licensees will each pay fifty dollars ($50.00) for a total of one thousand three hundred fifty dollars ($1350.00) for a total fiscal impact of eight thousand one hundred dollars ($8100.00).

The Housing Authority of Kansas City, Missouri licenses three (3) armed persons. Those licensees will pay one hundred thirty-five dollars ($135.00) each for a total fiscal impact to the Housing Authority of Kansas City, Missouri of four hundred five dollars ($405.00).

IV. ASSUMPTIONS

These figures assume that the number of armed licensees remains constant in the next year. These figures also assume that the agencies pay the fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some entities pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no records of how the various entities operate and how they pay their fees. Therefore, the actual cost to these agencies cannot be assessed and it must be assumed that for purposes of this fiscal note that the agencies pay the entire fee.

FISCAL NOTE
PRIVATE COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.050 – Testing Requirements and Qualification Standards
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3000	**Armed Licensees**	**$150,000.00**
700	**New Armed Licensees**	**$35,000.00**
6000	**Unarmed Licensees**	**$300,000.00**
1400	**New Unarmed Licensees**	**$70,000.00**
Total		**$555,000.00**

III. WORKSHEET

This rule allows the Board to require that individuals holding armed and unarmed licenses, and those who would become licensed during the year, attend a training class once every two years. That fee is discussed and included in the Private Fiscal Note for 17 CSR 10-2.040. All new and renewal applicants will pay the $50.00 fee the first year following enactment of these rules.

Currently approximately 3000 persons hold armed licenses. With the training fee in the amount of fifty dollars ($50.00), the fiscal impact to armed licensees is $150,000.00. Currently approximately 6000 persons hold unarmed licenses. With the training fee of fifty dollars ($50.00), the fiscal impact to unarmed licensees is $300,000.00.

In order to assess the fiscal impact to the individuals acquiring new armed licenses, an estimate of the number of new armed licensees, seven hundred (700) must be multiplied by the training fee amount of fifty dollars ($50.00) for a fiscal impact of $35,000.00. In

order to determine the fiscal impact to individuals acquiring new unarmed licenses, an estimate of the number of new unarmed licensees, 1400, must be multiplied by the fee amount ($50.00) for unarmed licenses for a fiscal impact of $70,000.00.

IV. ASSUMPTIONS

These figured assume that Board decides to require the training fees of all licensees following enactment of these rules. These figures assume that Board is correct about the number of persons who will newly apply for armed and unarmed licenses in the next year. These figures also assume that the companies pay the training fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the fees of their employees, and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed, and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.055 Firearms Regulations and Qualification. This rule established requirements for persons seeking licenses for positions authorized to carry approved firearms.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded: Filed March 14, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.055 Weapons Regulations and Firearms Qualification

PURPOSE: Applicants seeking licenses for positions authorized to carry approved firearms must be certified as qualified to carry those firearms pursuant to requirements as established by the Board of Police Commissioners of Kansas City, Missouri (board) herein.

(1) A licensee is authorized to carry only firearms in a strong side hip holster approved by the board and only if the licensee has qualified with that firearm as set out herein. All licensees must have a completed Verification of Firearms Training Form (Form 5715 P.D.) before reporting to the Private Officers Licensing Unit (POLU). The firearms approved by the board are as follows: .38 caliber, double action solid frame revolvers (five (5) or six (6) shot); and semi-automatics, double action only or double/single action, which are equipped with a decocker or decocker safety. This requirement limits the semi-automatics which may be carried to .40, .45, and 9mm calibers. Striker action firearms are acceptable. The department shooting range supervisor or his/her designee may deny a licensee the opportunity to qualify if, in their discretion, they believe a person or a firearm does not meet the requirements set out herein or presents a danger to others.

(2) All applicants seeking licensure for positions for which firearms may be possessed must qualify annually with the firearm(s) on the department pistol range and under the supervision of the department's firearms instructors. The firearms qualifications standards shall be in accordance with those established by department for its officers.

(3) An applicant must display the ability to safely and properly handle his/her approved firearm.

(4) An applicant who is determined by the range instructor to be unqualified or incapable of handling a firearm shall not be licensed.

(A) Any applicant who displays an inability to handle a firearm safely and properly will be disqualified from carrying a firearm.

(B) An applicant who does not attain the minimum scores for qualification shall be given a maximum of two (2) additional opportunities to qualify. An additional fee and new Form 5409 P.D. is required for each additional qualification and will be scheduled by the POLU.

(5) In addition to the applicant successfully passing an approved firearms qualification test, the applicant or his/her employer must satisfy the physical certification requirements for a Class A license as established herein.

(6) Licensees holding an armed license may wear their approved firearm with their uniform, unless classified as a nonuniformed proprietary private investigator, while at work and while traveling directly to and from work.

(7) Those licensed as private security and proprietary private investigators must comply with city ordinance and state law which prohibits carrying a firearm or other weapon readily capable of lethal use into any building owned or occupied by any agency of the state government. This includes the POLU and any other office within the building or any other building occupied by the department.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999, effective Aug. 30, 2000. Rescinded and readopted: Filed March 14, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities five hundred ten dollars ($510) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. **Department Title: 17**
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.055 – Firearms Regulations and Qualification
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	**Armed Licensees**	**$510.00**

III. **WORKSHEET**

This rule requires that individuals holding armed licenses pay a range fee to Board if a licensee fails to qualify at the Department pistol range. This fee is set out in 17 CSR 10-2.040 and is known as a rescheduling fee of eighty-five dollars ($85.00).

In order to assess the fiscal impact to the armed licensees, Board has determined that in 2012, six (6) armed licensees failed to qualify at the Department pistol range and fees were assessed to each in the amount for eighty-five dollars ($85.00), for a total fiscal impact of five hundred ten dollars ($510.00).

IV. **ASSUMPTIONS**

These figures assume that the number of persons who will fail to qualify remains constant in 2013. These figures also assume that the companies pay the rescheduling fees for those they license, rather than the individual paying the fees themselves. In fact, Board is aware that some companies pay a portion of the fees of their employees and the employees pay the balance. Board keeps no records of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed, and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.060 Regulation, Suspension and Revocation. This rule gave the board the power to suspend or revoke any license granted by it and set out an appeal process for any license so affected.

PURPOSE: The board wishes to rescind this rule and adopt a new rule in its place to clarify the language in the rule and ensure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded: Filed March 14, 2013.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.060 Regulation, Suspension, and Revocation

PURPOSE: Under section 84.720, RSMo, the Board of Police Commissioners of Kansas City, Missouri (board) shall regulate individuals providing private security/proprietary private investigative services. Pursuant to this authority, the board has the power to suspend, impose a fine, order probation, or revoke any license granted by it and is obligated to furnish an appeal process for any license so affected.

(1) The board may monitor and investigate allegations of improper conduct and the activities of individuals providing private security and proprietary private investigative services and firms, companies, partnerships, entities, or political subdivisions providing security services or proprietary private investigative services pursuant to these rules.

(2) All licenses shall expire one (1) year from the date of initial issuance. For licenses renewed after their expiration date, the licensee will be processed as a new applicant.

(3) A licensee must carry his/her license with him/her at all times while they are working. The license card must be worn on the outermost garment while on duty. The licensee must produce such license immediately at the request of a police officer; employee of the board; or person that the licensee has stopped or detained, if the licensee holds a license which allows him/her to stop and detain persons.

(4) The Private Officers Licensing Unit (POLU) will approve in advance all uniforms to be worn by any licensee. No uniform identical to or bearing resemblance to any uniform used by the department shall be approved. Additionally, no uniforms, badges, or other insignia using the word "police" shall be approved for use, except as provided in 17 CSR 10-2.030(1)(A)4. Companies licensed under this chapter shall provide the board a description, including the type and color of the company uniform along with a photograph of the uniform. The company name must appear on the uniform or a patch and the word "security" must also appear on the uniform or patch. The word "security" must be clearly displayed on the outermost clothing to be worn by the licensee.

(5) Individuals providing private security services or proprietary private investigative services are required to file a discharge of firearms report with the board within five (5) days of the incident whenever they discharge a firearm in the course of their occupation, other than formal firearms training.

(6) Individuals providing private security services or proprietary private investigative services are required to notify the POLU when they are arrested or have court cases pending within five (5) days of the incident.

(7) No person licensed under these provisions shall divulge to any unauthorized person or company any information or knowledge received from the department or any source when the divulgence would be detrimental to effective law enforcement. Under no circumstances may any records received from the department, whether generated by computer or otherwise, be accessed for personal use.

(8) The chief of police or his/her designee may impose a fine, order probation, order a suspension, or revoke a license of any company granted under section 84.720 of the *Revised Statutes of Missouri* pursuant to the procedures set forth in section (10) of this rule, when there exists information that the licensee or, if the licensee is an organization, any of its officers, directors, partners, or associates has—

(A) Failed to meet the qualifications in 17 CSR 10-2.020(3);

(B) Failed to maintain the physical and mental standards required of department police officers;

(C) Failed to understand and perform the duties and responsibilities of a licensee;

(D) Been convicted of a felony or a misdemeanor in federal or state court;

(E) Failed to be of good moral character by having a felony conviction, misdemeanor conviction, or city ordinance conviction, an essential element of which is fraud, dishonesty, an act of violence, bribery, illegal drug use, sexual misconduct, and other similar acts constituting moral turpitude as defined by the common law of Missouri except that city ordinance convictions involving driving while intoxicated or driving under the influence of alcohol or drugs will be considered on a case-by-case basis;

(F) For armed licensees, been named as the respondent in a full order of protection currently in effect issued after a hearing by a court of competent jurisdiction;

(G) Failed to meet the standards as set out herein;

(H) Made a false statement or given any false information in connection with an investigation by the POLU or the department;

(I) Provided other facts or actions which demonstrate that the applicant is unsuitable or ineligible to continue to hold a license; and

(J) Being terminated from or resigning under investigation or threat of discharge from the department shall make an individual ineligible for a license, but s/he may appeal to the board pursuant to the appeal process contained in this chapter.

(9) Any fine imposed by the chief of police shall not exceed the sum of five thousand dollars ($5,000). No suspension shall exceed ninety (90) days except that a suspension which is challenged and pending

before a court of competent jurisdiction will continue in effect until a final judgment by a court of competent jurisdiction unless the court has issued a stay.

(10) When the chief of police or his/her designee determines that a license granted pursuant to section 84.720 of the *Revised Statutes of Missouri* shall be suspended or revoked, the following procedures shall apply:

(A) Notice of fine, probation, suspension, or revocation shall be mailed to the licensee and their company at the address maintained in the Private Officers Licensing Unit (POLU);

(B) Notice of suspension or revocation shall be signed by the chief of police or his/her designee and shall indicate—

1. The decision to suspend or revoke;
2. The reason(s);
3. Duration of the suspension, if determinable;
4. Condition of reinstatement, if any; and
5. A description of the appeal process;

(C) Upon receipt of a notice of fine, suspension, or revocation, the individual or organization affected may request a review of the action of the POLU by filing a notice of appeal, in writing, with the POLU within thirty (30) business days of the dated written notification of suspension or revocation at 635 Woodland, Suite 2104, Kansas City, MO 64106;

(D) In the case of an appeal, the discipline initially assessed will continue in effect until and unless it is reversed or amended by the board;

(E) In the event of an appeal, the case shall be submitted to the board solely on the record. The record shall consist of all documentary evidence obtained by or submitted to the chief of police or the POLU by the parties, any agreed upon statement of the case agreed to by all the parties, and the legal briefs as might be filed by the parties or their representatives. Individuals or organizations denied a license upon application may appeal to board pursuant to this section; and

(F) The chief of police or his/her designee may place a licensee on probation in lieu of a fine, suspension, or revocation.

AUTHORITY: section 84.720, RSMo 2000. Original rule filed Dec. 5, 1979, effective March 17, 1980. For intervening history, please consult the ***Code of State Regulations****. Rescinded and readopted: Filed March 14, 2013.*

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities three thousand, two hundred dollars ($3,200) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners of Kansas City, Missouri, 1125 Locust, Kansas City, Missouri 64106. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title: 17
Division Title: 10
Chapter Title: 2

Rule Number and Title:	17 CSR 10-2.060 – Regulation, Suspension and Revocation
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	**Armed Licensees**	**$750.00**
3	**Unarmed Licensees**	**$450.00**
2	**Companies**	**$2000.00**
Total		**$3200.00**

III. WORKSHEET

Under this rule the Chief of Police or his/her designee may impose a fine up to five thousand dollars ($5,000.00) for certain enumerated violations on both individual and company licenses. Board estimates that the average fine for individuals would be approximately one hundred fifty dollars ($150.00). Board's best estimate is that five (5) armed licensees would be fined for a total of seven hundred fifty dollars ($740.00) and that approximately three (3) unarmed licensees would be fined for a total of four hundred fifty dollars ($450.00).

As to company licenses, it is estimated that approximately two (2) companies might be fined and that an average fine of one thousand dollars ($1000.00) might be imposed. This makes the total fiscal impact to companies approximately two thousand dollars ($2000.00).

IV. ASSUMPTIONS

These figures assume that Board is correct about the number of persons and companies who will violate the Board's rules and that fines would be assessed in these estimated amounts. Board might, in any given case, choose to increase or decrease the amount of the fine depending on the nature and severity of the rule violation or impose no fine at all. As to individuals, Board is unable to determine whether the individual or company would pay the fine levied against that individual licensee.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RESCISSION

19 CSR 20-1.025 Sanitation of Food Establishments. This rule established up-to-date sanitation standards for food-service establishments designated in Chapter 196, RSMo, using the federal Food and Drug Administration 1999 Food Code.

PURPOSE: This rule is being rescinded as it is outdated and is being replaced with a rule that incorporates updated federal Food and Drug Administration Food Code language.

AUTHORITY: sections 192.006, 196.190, 196.195, 196.210, 196.220, 196.225, 196.230, 196.235, 196.240, 196.245, 196.250, and 196.265, RSMo 2000, and 192.020, RSMo Supp. 2004. Original rule filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 1, 2005, effective Sept. 30, 2005. Rescinded: Filed March 11, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.025 Missouri Food Code

PURPOSE: This rule establishes up-to-date sanitation standards for food establishments designated in Chapter 196, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Food establishments shall comply with the sanitation standards and processes contained in the Department of Health and Senior Services *Missouri Food Code* manual. The manual is incorporated by reference in this rule as published March 11, 2013, by the Department of Health and Senior Services and is available on the web at www.health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 1, 2005, effective Sept. 30, 2005. Rescinded and readopted: Filed March 11, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions seven thousand three hundred thirty-nine dollars ($7,339) in the first year and three thousand two hundred dollars ($3,200) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities $1,345,000 in the aggregate. However, the majority of food establishments, operating in jurisdictions inspected under state regulations, will have no additional costs associated with the adoption of this proposed rule.

Eight hundred seventy-five thousand dollars ($875,000) is a one-(1-) time cost for those food establishments currently operating with dated refrigeration, who will now need to replace or repair their equipment to maintain food temperatures at or below forty-one degrees Fahrenheit (41 °F); four hundred twelve thousand five hundred dollars ($412,500) is also a one- (1-) time cost which will be divided among food establishments that prepare or serve raw or partially cooked potentially hazardous foods (PHFs). Their menus will now be required to inform consumers by way of a disclosure and reminder of the increased risk of foodborne illnesses associated with eating raw or undercooked PHFs. Fifty thousand dollars ($50,000), a one- (1-) time cost, will impact food establishments preparing thin mass foods, such as hamburgers. These food establishments will be required to purchase a small-diameter probe thermometer that can more accurately take temperatures of these type foods; and finally seven thousand five hundred dollars ($7,500) is an annual cost that will impact food establishments operating on a private water system that continuously have unsafe water sample results. These food establishments will now be required to install continuous disinfection (a chlorinator) to assure the water used and served is safe for consumption by the consumer.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. Department Title: 19 - HEALTH AND SENIOR SERVICES
Division Title: 20 - Community and Public Health
Chapter Title: 1 - Food Protection

Rule Number and Name:	19 CSR 20-1.025 Missouri Food Code
Type of Rulemaking:	PROPOSED RULE

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	**$1,934 Onetime cost; $ 3,200 Annual cost**
Local Public Health Agencies (LPHA)	**$5,405 Onetime cost**

III. WORKSHEET

Department of Health and Senior Services

Training Costs:
1. Materials $50
2. Travel Expenses $554 + $530

Mileage Roundtrip

Jefferson City to Independence (Northwest Regional Office)	300 miles x $0.37 = $111
Jefferson City to Macon (Northeast Regional Office)	180 miles x $0.37 = $67
Jefferson City to St. Louis (Eastern Regional Office)	270 miles x $0.37 = $100
Jefferson City to Poplar Bluff (Southeast Regional Office)	456 miles x $0.37 = $169
Jefferson City to Springfield (Southwest Regional Office)	290 miles x $0.37 = $107
	Total Cost $554

Lodging and Meals
($70 lodging + $36 for meals) x 5 Regional Offices = $530

Printing Costs:
1. Rule Book $4.00 per book x 200 books = $800
2. Inspection Forms $0.08 per form x 2 page inspection form x 20,000 forms = $3200

Onetime Cost:
$50 materials + $1,084 travel expenses + $800 printing rule = $1,934

Annual cost:
$3200 cost of printing inspection forms

Local Public Health Agencies

Training Costs:

Travel Expenses	$5,405	($4,255 + $1,150)

Average Roundtrip

LPHA to nearest Regional Office	100 miles
Number of LPHA's	115
Mileage Rate	$0.37/mile

100 miles x 1 LPHS x $0.37 = $37 per LPHA
100 miles x 115 LPHA's x $0.37 = $ 4,255 Total

Meals
$10 for lunch x 1 LPHA = $10 per LPHA
$10 for lunch x 115 LPHA's = $1,150 total

IV. ASSUMPTIONS

1. The fiscal impact on the Department of Health and Senior Services is associated with the cost of printing, paper, supplies and travel expenses (mileage at $0.37/mile), hotel costs and meals.
2. The fiscal impact on the Local Public Health Agencies is associated with the cost of travel expenses (mileage at $0.37/mile) to attend training as mandated by the Core Public Health Contract.
3. The fiscal impact on the Department of Health and Senior Services, in the aggregate, will be $1,934.
4. Regional Offices are strategically located throughout the state to be accessible to the public, as well as, to local public health agencies. It is assumed that the average travel distance for any local public health agency to travel to the nearest Regional Office is 100 miles.
5. Lunch will not be provided during training, therefore, it is assumed that an individual attending training will spend an average of $10 for lunch.

FISCAL NOTE
PRIVATE COST

I. Department Title: 19 - HEALTH AND SENIOR SERVICES
Division Title: 20 – Community and Public Health
Chapter Title: 1 – Food Protection

Rule Number and Title:	19 CSR 20-1.025 Missouri Food Code
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
31, 000	Food Establishments (Ordinance* and Non-ordinance)	
Estimated cost of implementation for food establishments in non-ordinance jurisdictions*		
5,000	**Food Establishments (Non-ordinance)**	**$ 1,345,000 Total Cost**
5	Food establishments purchasing a chlorinator	$ 7,500 Annual cost
250	Food establishments replacing refrigeration unit that will maintain 41°F	$ 875,000 Onetime cost
2,500	Food establishments purchasing a thin mass food thermometer	$ 50,000 Onetime cost
1,650	Food establishments updating menus to add consumer advisory	$ 412,500 Onetime cost

* Food establishments in ordinance jurisdictions account for 84% of the total food establishments in Missouri. In these jurisdictions, the most current Federal Food Code has already been adopted and/or referenced; therefore, these food establishments have already come into compliance with the sanitation and operational standards outlined in this proposed rule.

III. WORKSHEET

1. Costs to food establishment owners to purchase a chlorinator on a failing private water system will be: $1,500

2. At 5 food establishments required to purchase a chlorinator to supply potable water to the establishment, the annual cost to this classification will be:

    a. 5 food establishments x $1,500 per chlorinator
    b. 5 x $1,500 = $7,500

3. Costs to food establishment owners purchasing a refrigeration unit that can maintain food temperatures at 41°F or below: $3,500

4. At 250 food establishments required to purchase or replace a refrigeration unit, the one-time cost to this classification will be:

    a. 250 food establishments x $3,500 per refrigeration unit
    b. 250 x $3,500 = $875,000

5. Costs to food establishment owners to purchase a small-diameter probe thermometer to take temperatures of thin mass foods, such as hamburgers: $20

6. At 2,500 food establishments purchasing a new thermometer, the one-time cost to this classification will be:

    a. 2,500 food establishments x $20 per thermometer
    b. 2,500 x $20 = $50,000

7. Costs to food establishment owners to include disclosure and reminder consumer advisory language to their menus: $250

8. At 1,650 food establishments printing new menus, the one-time cost to this classification will be:

    a. 1,650 food establishments x $2.50 per menu x 100 menus
    b. 1,650 x $2.50 x 100 = $412,500

V. ASSUMPTIONS

1. **Based on data collected from a 2010-2011 Local Public Health Agency survey, it is estimated that sixteen (16%) percent of the food establishments operating in Missouri are located in jurisdictions without local food ordinances and would therefore be impacted by the new requirements outlined in this proposed rule.**

2. **An operator of a food establishment using a private water supply is required to test for total coliform bacteria. Water supplies testing positive are required to be disinfected. If after two (2) attempts at disinfecting the well and distribution system, subsequent sample results continue to be positive for coliform bacteria or a pattern of positive coliform bacteria sample results is established, this proposed rule requires the installation of a chlorinator to provide for continuous disinfection to assure a safe water supply.**

    It is estimated that twenty (20%) percent of food establishments use a private water system as their source of water.

The assumption made, is that annually 5 food establishments will be required to have continuous disinfection installed on their private water supply based on unsatisfactory sample results.

3. **This proposed rule requires all refrigeration units to maintain foods at 41°F or below. All new commercial refrigeration units are capable of maintaining foods at this temperature.**

   The current rule states, "Within 90 days of the adoption of this rule, all refrigeration equipment that is upgraded, replaced, or purchased must be able to maintain food temperatures of 41 °F or below." This rule was adopted in 1999.

   The assumption made is that the majority of industry, within the last 14 years, has upgraded, replaced, or purchased refrigeration equipment that maintains food temperatures at or below 41°F. Therefore, it is estimated that only 250 food establishments remain that will be required to purchase a replacement refrigeration unit or compressor to maintain foods at the required temperatures.

4. **This proposed rule requires operators to have a temperature measuring device with a small-diameter probe designed to accurately measure the temperature of thin massed foods such as meat patties and fish filets.**

   It is estimated that fifty (50%) percent or 2,500 food establishments prepare thin mass foods and will therefore be required to purchase a small-diameter probe thermometer.

5. **This proposed rule requires operators to inform consumers of the significantly increased risk of consuming raw or undercooked foods of animal origin (potentially hazardous foods) by way of a disclosure and reminder using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.**

   It is estimated that thirty-three (33%) percent or 1,650 food establishments prepare and/or serve raw or partially cooked potentially hazardous foods, such as a rare hamburger.

   The first assumption made is that the operator will chose to update their menus to include a disclosure and reminder when preparing and/or serving such foods.

   The second assumption made is that the average number of menus in a food establishment is 100.

   The final assumption made is that the cost for reprinting is $2.50 per menu.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RESCISSION

19 CSR 20-1.040 Inspection of the Manufacture and Sale of Foods. This rule established food labeling and sanitation standards of public health significance which were conducive to good manufacturing practices and techniques.

PURPOSE: This rule is being rescinded as it is ambiguous, lacks specific sanitation standards for food manufacturing and distribution facilities, and is no longer necessary as it is being replaced with 19 CSR 20-1.040: Good Manufacturing Practices.

AUTHORITY: section 196.045, RSMo 1986. This rule was previously filed as 13 CSR 50-70.010. Original rule entitled Missouri Division of Health E 1.20 was filed Nov. 17, 1949, effective Nov. 27, 1949. Rescinded: Filed March 11, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.040 Good Manufacturing Practices

PURPOSE: This rule establishes sanitation standards of public health significance for manufactured foods.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the manufacturing, packaging, transporting, or holding of human food.

(2) Standards. Manufacturers, distributors, and warehouses shall operate in accordance with 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. This rule was previously filed as 13 CSR 50-70.010. Original rule entitled Missouri Division of Health E 1.20 was filed Nov. 17, 1949, effective Nov. 27, 1949. Rescinded and readopted: Filed March 11, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.042 Acidified Foods

PURPOSE: This rule establishes standards to assure the facilities, methods, practices, and controls used to manufacture, process, and package acidified foods are safe and conducted under sanitary conditions.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to any person engaged in or connected with manufacturing, processing, and/or packaging of acidified foods.

(2) Standards. Any person engaged in the manufacturing, processing, and/or packaging of acidified foods shall operate in accordance with 21 CFR Part 114 Acidified Foods, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities

more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.045 Food Labeling

PURPOSE: This rule establishes food labeling standards for manufactured foods.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to buildings or facilities or parts thereof, used for or in connection with the labeling of human food.

(2) Standards. Manufacturers, distributors, and warehouses shall label human food in accordance with 21 CFR Part 101 Food Labeling, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.100 Seafood Hazard Analysis and Critical Control Points (HACCP)

PURPOSE: This rule establishes standards to determine whether the facilities, methods, practices, and controls used to process fish and fishery products are safe and that those products have been processed under sanitary conditions.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the processing of fish and fishery products.

(2) Standards. Any person engaged in commercial, custom, or institutional processing of fish or fishery products shall operate in accordance with 21 CFR Part 123 Fish and Fishery Products, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.200 Juice Hazard Analysis and Critical Control Points (HACCP)

PURPOSE: This rule establishes sanitation and Hazard Analysis and Critical Control Points (HACCP) standards for the processing of fruit and vegetable juices.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be

made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the processing of fruit and vegetable juices.

(2) Standards. Manufacturers of any juice sold as such or used as an ingredient in beverages shall operate in accordance with 21 CFR Part 120 Hazard Analysis and Critical Control Point (HACCP) Systems, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006, 196.045 and 196.050, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 82—General Licensure Requirements

PROPOSED RESCISSION

19 CSR 30-82.070 Alzheimer's Demonstration Projects. This rule was promulgated to describe the general requirements and process by which project participants would be selected in order to implement Alzheimer's Demonstration Projects in accordance with section 198.086, RSMo Supp. 1999.

PURPOSE: This rule is being rescinded because the department concluded the demonstration status of the project on April 3, 2007, after successful completion and evaluation of the program and project participants.

AUTHORITY: section 198.534, RSMo Supp. 1999. This rule was originally filed as 13 CSR 15-10.070. Emergency rule filed April 14, 2000, effective April 24, 2000, expired Feb. 1, 2001. Original rule filed April 14, 2000, effective Nov. 30, 2000. Moved to 19 CSR 30-82.070, effective Aug. 28, 2001. Rescinded: Filed March 11, 2013.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Jeanne Serra, Acting Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-11.020 Cosmetology Sanitation Rules. The board is proposing to amend paragraph (2)(L)1., add new paragraph (2)(L)2., and renumber the subsequent paragraph.

PURPOSE: This amendment requires all cosmetology establishments to post a color flyer regarding the prohibited use of razor-type instruments.

(2) Sanitation Requirements.

(L) Prohibited Practices. To prevent the risk of injury or infection—

1. A licensee shall not use or offer to use in the performance of cosmetology services, or possess on the premises of a licensed cosmetology establishment, any razor-type callus shaver designed or intended to cut growths of skin on hands or feet such as corns and calluses including, but not limited to, a credo blade or similar type instrument. Any licensee using a razor-type callus shaver prohibited by this rule at a licensed cosmetology establishment or in the performance of any cosmetology, manicuring, or esthetician services shall be deemed to be rendering services in an unsafe and unsanitary *[matter]* **manner**. **Cosmetology** *[E]***e**stablishment licensees shall ensure that razor-type callus shavers are not located or used on the premises of the **cosmetology** establishment; *[and]*

2. The board shall provide a flyer prohibiting the use of these razor-type callus shavers. Every cosmetology establishment and cosmetology school shall post such flyer in plain view of the public in each of their establishment(s) and school(s); and

*[2.]***3.** Violation of this rule shall constitute grounds for discipline under section 329.140.2(15), RSMo.

*AUTHORITY: section 329.025.1, RSMo Supp. [2008] **2012**. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will cost public entities approximately one thousand, four hundred thirty-seven dollars and six cents ($1,437.06) during the first year of implementation of the rule and seven hundred forty-three dollars and seventy-five cents ($743.75) recurring annually after the first year of implementation and annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Board of Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at (573) 751-8176, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 11 - Sanitation Rules - Barber and Cosmetology
Proposed Amendment - 20 CSR 2085-11.020 Cosmetology Sanitation Rules
Prepared March 5, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Total Cost
Board of Cosmetology and Barber Examiners	$1,437.06
Total Expense during first year of implementation of the Rule	$1,437.06

Affected Agency or Political Subdivision	Total Cost
Board of Cosmetology and Barber Examiners	$743.75
Total Expense recurring annually after the first year of implementation and Annually Thereafter for the Life of the Rule	$743.75

III. WORKSHEET

The Investigator II delivers the flyer, verifies compliance, mails compliance letters, and schedules non-compliant licensees for board appearance.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TOTAL TIME	TOTAL COST
Investigator II	$34,644	$52,454.48	$25.22	2 hours	$50.44
		Total Estimated Annual Personal Expense for the Life of the Rule			$50.44

The number of items listed in the table reflect the amount of expenses that the board will have due to the implementation of this amendment.

Expense Dollars During First Year of Implementation

Item	Cost Per Item	Number of Items	Total
Flyers	$0.09	16,000	$1,386.62
	Total Estimated Biennial Expense for the Life of the Rule		$1,386.62

Expense Dollars After the First Year of Implementation and Annually Thereafter for the Life of the Rule

Item	Cost Per Item	Number of Items	Total
Flyers	$0.09	8,000	$693.31
	Total Estimated Annual Expense for the Life of the Rule		**$693.31**

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary.
2. The board anticipates distributing 16,000 flyers during the first year of implementation to all of the licensed cosmetology establishments. The board anticipates distributing 8,000 flyers after the first year of implementation to new licensees and replacing lost or destroyed flyers.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.010 Licensure by Examination—Dentists. The board is proposing to amend section (3) and to change paragraphs into subsections.

PURPOSE: This amendment decreases the number of times an applicant for licensure can fail a clinical competency exam before being required to complete board approved remediation.

(3) *[In order to take the competency examination for a sixth or subsequent time, the applicant shall—*

(A) Complete remedial instruction in the deficient area(s) from an accredited dental school. An applicant failing the operative or periodontal portions of the examination must obtain three (3) credit hours of clinical and one (1) credit hour of didactic remedial instruction.] **Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental school before further re-examination. If the applicant fails a third examination, the board may deny the applicant further examination.** Before entering a program of remedial instruction, the applicant shall—

*[1.]***(A)** Have a statement sent to the board from the program director of the accredited dental school outlining the remedial instruction to be completed by the applicant and confirming the applicant's acceptance into the program; and

*[2.]***(B)** Receive board approval of the remedial instruction; and

*[3.]***(C)** Upon completion, have a written statement submitted to the board from the program director verifying the applicant's successful completion of the remedial instruction.

*AUTHORITY: sections 332.031, 332.141, and 332.151, RSMo 2000, and section 332.181, RSMo Supp. [2011] **2012**. This rule originally filed as 4 CSR 110-2.010. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities between ten thousand six hundred twenty dollars ($10,620) and twelve thousand six hundred dollars ($12,600) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2110-2.010 Licensure by Examination - Dentists
Prepared September 10, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities during the first year of implementation:
6	Dentists Competency Examination Fee (Competency Examination Fee @ $1,700-$2,000)	$10,200 - $12,000
6	Dentists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Cost of Compliance for the First Year of Implementation	**$10,620 - $12,600**

Beginning in FY14 and Continuing Annually for the Life of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities beginning in FY14 and Continuing Annually for the Life of the Rule:
6	Dentists Competency Examination Fee (Competency Examination Fee @ $1,700-$2,000)	$10,200 - $12,000
6	Dentists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Annual Cost of Compliance Beginning in FY14 and Recurring	**$10,620 - $12,600**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 and FY12 averages.

2. On average, the board sees 5 to 6 applicants a year who have had to retake part of the competency exam. In an average year, the board sees 1 applicant who has had to take the exam for a third time.
3. The board has not sent an applicant back to a dental school for remediation under the current requirements that allow an applicant to fail a competency exam 5 times before remediation is required. The cost of remediation will vary from case to case depending on the particular skill set remediation is needed in and the amount of time the remediation takes.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.050 Licensure by Examination—Dental Hygienists. The board is proposing to amend section (3) and renumber the paragraphs as subsections.

PURPOSE: This amendment lowers the number of times an applicant for licensure can fail a clinical competency examination before being required to complete board approved remediation.

(3) *[In order to take the competency examination for a sixth or subsequent time, the applicant shall—*

(A) Complete remedial instruction at an accredited dental hygiene school.] **Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental hygiene school before further re-examination. If the applicant fails a third examination, the board may deny the applicant further examination.** Before entering a program of remedial instruction, the applicant shall—

*[1.]***(A)** Have a statement sent to the board from the program director of the accredited dental hygiene institution outlining the remedial instruction to be completed by the applicant and confirming the applicant's acceptance into the program; and

*[2.]***(B)** Receive board approval of the remedial instruction; and

*[3.]***(C)** Upon completion, have a written statement submitted to the board from the program director verifying the applicant's successful completion of the remedial instruction.

*AUTHORITY: sections 332.031, 332.231, 332.241, and 332.251, RSMo 2000, and section 332.261, RSMo Supp. [2011] **2012**. This rule originally filed as 4 CSR 110-2.050. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities between four thousand nine hundred twenty dollars ($4,920) and six thousand dollars ($6,000) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2110-2.050 Licensure by Examination - Dental Hygienists
Prepared September 10, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities during the first year of implementation:
6	Dental Hygienists Competency Examination Fee (Competency Examination Fee @ $750-$900)	$4,500 - $5,400
6	Dental Hygienists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Cost of Compliance for the First Year of Implementation	**$4,920 - $6,000**

Beginning in FY14 and Continuing Annually for the Life of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities beginning in FY14 and Continuing Annually for the Life of the Rule:
6	Dental Hygienists Competency Examination Fee (Competency Examination Fee @ $750-$900)	$4,500 - $5,400
6	Dental Hygienists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Annual Cost of Compliance Beginning in FY14 and Recurring	**$4,920 - $6,000**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 and FY12 averages.

2. On average, the board sees 5 to 6 applicants a year who have had to retake part of the competency exam. In an average year, the board sees 1 applicant who has had to take the exam for a third time.
3. The board has not sent an applicant back to a dental school for remediation under the current requirements that allow an applicant to fail a competency exam 5 times before remediation is required. The cost of remediation will vary from case to case depending on the particular skill set remediation is needed in and the amount of time the remediation takes.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

20 CSR 2200-4.022 Nurse Licensure Compact. The board is proposing to amend subsections (2)(F) and (2)(G).

PURPOSE: The Missouri State Board of Nursing is authorized to promulgate uniform rules and regulations for the nurse licensure compact pursuant to 335.325(4), RSMo. The nurse licensure compact has been in existence since 2000; however, Missouri joined the compact in 2009. Experience with the compact has shown that nurses need longer than thirty (30) days to obtain a license in a new compact state. This amendment increases the amount of time a nurse can practice on the former home state license from thirty (30) days to ninety (90) days.

(2) Issuance of a License by a Compact Party State. For the purpose of this compact—

(F) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed *[thirty (30)]* **ninety (90)** days;

(G) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the *[thirty (30)-]* **ninety- (90-)** day period as stated in subsection (2)(F) shall be stayed until resolution of the pending investigation;

AUTHORITY: sections 335.300, ***335.325, and 335.335,*** *RSMo Supp. [2009]* ***2012****. Original rule filed Oct. 8, 2009, effective April 30, 2010. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.020 Definitions. The board is proposing to delete section (11), renumber the remaining sections accordingly, and amend the new section (15).

PURPOSE: This amendment clarifies language used to describe terms used throughout this chapter.

[(11) Intravenous bolus drug administration—the rapid, untimed administration of a discrete amount of a drug according to specific guidelines for administering such drug.]

*[(12)]***(11)** Intravenous catheter or cannula—a hollow tube made of silastic, plastic, or metal used for accessing the venous system.

*[(13)]***(12)** Intravenous drug administration—any prescribed therapeutic or diagnostic substance delivered into the bloodstream via a vein including, but not limited to, medications, nutrients, contrast media, blood, blood products, or other fluid solutions.

*[(14)]***(13)** Intravenous infusion treatment modality—refers to a variety of means/methods utilized in the introduction of a prescribed substance and/or solution into an individual's venous system.

*[(15)]***(14)** Intravenous piggyback administration—a secondary infusion into an established patent primary intravenous line for the intermittent delivery of medications.

*[(16)]***(15)** Intravenous **bolus or** push drug administration—*[means the administration of a drug over a timed interval, generally at least one (1) minute, or according to specific guidelines for administering such drug.]* **the administration of medication rapidly into a vein, to enter the blood stream in a short period of time, and to provide a specific systemic effect.**

*[(17)]***(16)** Licensed practical nurse (LPN)—a licensed practical nurse as defined in section 335.016, RSMo**,** and licensed to practice in the state of Missouri and referred to as LPN throughout this chapter.

*[(18)]***(17)** Life threatening circumstances—refers to a physiologic crisis situation wherein prescribed drug administration via manual intravenous bolus or push drug administration is immediately essential to preserve respiration and/or heartbeat.

*[(19)]***(18)** Mid-line catheter—a catheter that is inserted into a vein in the antecubital fossa and then advanced three inches to twelve inches (3"–12") into the proximal upper arm.

*[(20)]***(19)** Needleless system—a substitute for a needle or other sharp access device, which may be available in blunt, recessed**,** or valve designs.

*[(21)]***(20)** Packaged drug systems—use-activated containers which are compartmentalized and have pre-measured ingredients that form a solution when mixed.

*[(22)]***(21)** Parenteral nutrition—the intravenous administration of total nutritional needs for a patient who is unable to take appropriate amounts of food enterally.

*[(23)]***(22)** Peripheral venous catheter—a catheter that begins and terminates in a vein in an extremity (i.e., arm, hand, leg, or foot) or in a vein in the scalp.

*[(24)]***(23)** Policy—a written statement of a recommended course of action intended to guide decision making.

*[(25)]***(24)** Premixed drugs for intravenous administration—those drugs compounded or prepared by a pharmacy department, parenteral fluid or drug manufacturer, or mixed by a licensed registered professional nurse who possesses documented evidence of the necessary cognitive and psychomotor instruction by a licensed pharmacist.

*[(26)]***(25)** Procedure—a written statement of steps required to complete an action.

*[(27)]***(26)** Qualified practical nurses—for the purpose of this chapter, this term includes:

(A) Graduate practical nurses practicing in Missouri within the time frame as defined in 20 CSR 2200-4.020(3);

(B) Practical nurses with temporary permits to practice in Missouri; and

(C) Practical nurses currently licensed to practice in Missouri, unless specifically stated otherwise within the text of the specific rule.

*[(28)]***(27)** Registered professional nurse (RN)—a registered professional nurse as defined in section 335.016, RSMo, and licensed to practice in the state of Missouri and referred to as RN throughout this chapter.

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.020. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.020, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.030 Intravenous Infusion Treatment Administration by Qualified Practical Nurses; Supervision by a Registered Professional Nurse. The board is proposing to amend sections (5) and (6).

PURPOSE: This amendment clarifies that the functions of graduate practical nurses are aligned with licensed practical nurses in the ninety- (90-) day period after they have graduated from an accredited program until their licensure exam has been taken.

(5) In addition to the functions and duties set forth in section (4), *[a]* graduate practical nurse**s** *[who graduated after February 28, 1999 from a generic practical nursing program approved by the board,]* and IV-Certified licensed practical nurses who have documented competency verification by the individual's employer, may*[:]***—**

(6) In addition to the functions and duties set forth in sections (4) and (5), and with additional individualized education and experience that includes documented competency verification by the individual's employer, **graduate practical nurses and** IV-Certified licensed practical nurses may*[:]***—**

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.030. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.030, effective Aug. 28, 2006. Amended: Filed Oct. 30, 2007, effective April 30, 2008. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.040 Venous Access and Intravenous Infusion Treatment Modalities Course Requirements. The board is proposing to amend sections (2), (3), and (4).

PURPOSE: This amendment allows each course provider to develop an individual curriculum by removing the requirement that each provider use the prescribed curriculum outlined in the IV Therapy Manual published by the Instructional Materials Laboratory of the College of Education at the University of Missouri, Columbia, Missouri which are no longer available for purchase or utilization.

(2) Course providers shall only design and conduct a venous access and intravenous infusion treatment modalities course as specified in this rule. The course shall provide sufficient instruction for the following qualified practical nurse participants to become IV-Certified in Missouri:

(C) A graduate practical nurse of a non-Missouri practical nursing education program seeking licensure in Missouri; **or**

[(D) A graduate practical nurse completing a Missouri practical nursing education program prior to February 28, 1999 and seeking licensure in Missouri; or]

*[(E)]***(D)** A federal employee who possesses a current license as a practical nurse in another state who is enrolling in a course provided by a federal facility located in Missouri.

(3) Curriculum.

(B) The curriculum to be offered *[must]* **shall** be approved by the board.

[1. The board has approved the most current edition of the Venous Access and Intravenous Infusion Treatment Modalities Manual, which is incorporated by reference herein,

available from the University of Missouri Instructional Materials Laboratory (IML) as a standard curriculum. Copies of instructor and student manuals may be obtained by contacting the Instructional Materials Laboratory, College of Education, University of Missouri- Columbia, 1400 Rock Quarry Center, Columbia, MO 65211 or by phone at (800) 669-2465. This rule does not include any subsequent amendments or additions.]

*[2.]***1.** *[If the]* **The course** provider *[of a course chooses to]* **shall** develop *[its own]* **the** curriculum**.***[, it must contain]* **The course provider may select an IV Therapy text of choice. The text may be utilized as the curriculum stem. Content specific to IV Therapy certification in Missouri shall be added. The curriculum shall contain** all of the components listed in *[subsection]* **paragraphs** (3)(A)1.–5. of this rule and be submitted to the board for approval.

(C) A course shall, at a minimum, consist of:

1. Thirty (30) hours of classroom and skills laboratory instruction or its equivalent, (e.g., faculty-student interactive study); and

2. Eight (8) hours of supervised clinical practice, which *[must]* **shall** include at least one (1) successful performance of peripheral venous access and the initiation of an intravenous infusion treatment modality on an individual.

(E) The course participant *[must]* **shall** complete a pretest(s) in pharmacology, anatomy and physiology, and asepsis to determine the participant's level of knowledge at the beginning of the course.

(F) All classroom and clinical instruction and practice *[must]* **shall** be supervised by a registered professional nurse designated by the provider and who meets the faculty qualifications as stated in section (4) of this rule.

(4) Faculty Qualifications and Responsibilities.

(A) Nursing faculty *[must]* **shall** hold a current**,** undisciplined license or temporary permit to practice as a registered professional nurse in Missouri**;** and **the license to practice professional nursing has never been disciplined in any jurisdiction. Nursing faculty shall** have a minimum of two (2) years of clinical experience within the last five (5) years that included responsibility for performing venous access and intravenous infusion treatment modalities.

(C) For the clinical component of the course, the maximum faculty to student ratio shall be one to three (1:3) for observational experiences and the performance of non-invasive procedures and functions. The faculty to student ratio *[must]* **shall** be one to one (1:1) during the performance of peripheral venous access and initiation of an intravenous infusion treatment modality on an individual.

*AUTHORITY: section[s] 335.017 [and 335.036], RSMo 2000, **and section 335.036, RSMo Supp. 2012**. This rule originally filed as 4 CSR 200-6.040. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.040, effective Aug. 28, 2006. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.050 Approval Process for a Venous Access and Intravenous Infusion Treatment Modalities Course. The board is proposing to amend section (1), subsections (2)(A)–(2)(D), and subsection (3)(C).

PURPOSE: This amendment clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(1) To obtain initial approval of a venous access and intravenous infusion treatment modalities course, the course provider *[must]* **shall** submit a written proposal to the board.

(2) Requirements for Maintaining Course Approval.

(A) The provider of an approved course shall comply with any subsequent changes in this rule beginning with the first course participants following the effective date of the rule change. The course provider shall submit a written report to the board specifying the manner in which it will comply with the rule change(s). The board *[must]* **shall** approve the submitted report prior to the entrance of the next course participants.

(B) The course provider *[must]* **shall** notify the board in writing of all changes in information that was submitted in its approved proposal. Changes *[must]* **shall** be approved by the board prior to implementation.

(C) The course provider *[must]* **shall** keep the board current as to the names of faculty and clinical facilities utilized.

(D) The course provider *[must]* **shall** submit an annual report to the board using the form provided by the board. Failure to submit the annual report will be cause for the board to withdraw its approval of the course.

(3) Discontinuing an Approved Course.

(C) If a course provider desires to reestablish an approved venous access and intravenous infusion treatment modalities course after a course has been officially discontinued, a new proposal *[must]* **shall** be submitted as required by section (1).

*AUTHORITY: section[s] 335.017**, RSMo 2000,** and **section** 335.036, RSMo [2000] **Supp. 2012**. This rule originally filed as 4 CSR 200-6.050. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.050, effective Aug. 28, 2006. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at

*nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2200—State Board of Nursing
Chapter 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.060 Requirements for Intravenous Therapy Administration Certification. The board is proposing to amend subsections (2)(D) and (3)(F), and section (5).

PURPOSE: This amendment clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(2) A practical nurse who is currently licensed to practice in another state or territory of the United States, who is an applicant for licensure by endorsement in Missouri and has been issued a temporary permit to practice in Missouri and is not IV-Certified in another state or territory can obtain IV-Certification upon successful completion of a board-approved venous access and intravenous infusion treatment modalities course.

(D) If licensure requirements are not met by the expiration date stated on the Verification of IV-Certification letter and temporary permit, the individual *[must]* **shall** cease performing all practical nursing care acts including those related to intravenous infusion treatment administration.

(3) A practical nurse who is currently licensed to practice in another state or territory of the United States, who is an applicant for licensure by endorsement in Missouri and has been issued a temporary permit to practice in Missouri, and is IV-Certified in another state or territory of the United States, or who has completed a venous access and intravenous infusion treatment modalities course in another state or territory of the United States, can obtain IV-Certification in Missouri by:

(F) If licensure requirements are not met by the expiration date stated on the Verification of IV-Certification letter and temporary permit, the individual *[must]* **shall** cease performing all practical nursing care acts including those related to intravenous infusion treatment administration.

(5) Graduate practical nurses as specified in subsections 20 CSR 2200-6.040(2)(C) and (D) of this chapter who are seeking licensure by examination in Missouri and for whom the board has received confirmation of successful completion of an approved venous access and intravenous infusion treatment modalities course *[must]* **shall** meet all licensure requirements before a license stating LPN IV-Certified can be issued.

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.060. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.060, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan

ORDER OF RULEMAKING

By the authority vested in the Commissioner of the Office of Administration under § 33.103, RSMo Supp. 2012, the commissioner amends a rule as follows:

1 CSR 10-15.010 Cafeteria Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 7–81). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2013 (38 MoReg 248). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2013 (38 MoReg 248–249). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 82–86). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.030 Safety Standards—Transportation of Gas by Pipeline **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 86–98). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.080 Drug and Alcohol Testing **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission adopts a rule as follows:

10 CSR 10-6.191 Sewage Sludge Incinerators **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1460). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received ten (10) comments from four (4) sources: the City of Independence Water Pollution Control Department; the Association of Missouri Cleanwater Agencies; the City of Kansas City, Missouri, Water Services Department; and the Metropolitan St. Louis Sewer District.

COMMENT #1: The City of Independence Water Pollution Control Department commented that they appreciate the program's efforts to maintain state primacy in implementing the provisions of 40 CFR 60, subpart MMMM Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, which is the federal regulation incorporated in 10 CSR 10-6.191.
RESPONSE: The department's Air Pollution Control Program thanks the City of Independence for their support of the proposed rule. No changes have been made to the rule text as a result of this comment.

COMMENT #2: The City of Independence Water Pollution Control Department commented that the National Association of Clean Water Agencies (NACWA) initiated a lawsuit in 2011 seeking judicial review of the federal sewage sludge incinerator (SSI) rule. NACWA expects final document submittal in January 2013 with oral arguments likely to occur in March or April of 2013. With the prospect of future legal proceeding on the federal SSI rule, the City of Independence requested assurance that regulated sources will not be expected to comply with provisions of federal regulations incorporated in 10 CSR 10-6.191 that may be stayed as a result of legal action.
RESPONSE: The department's Air Pollution Control Program does not intend to enforce any provisions of this rule, 10 CSR 10-6.191, that are incorporated by reference from any provisions of 40 CFR 60, subpart MMMM if they are subsequently stayed by legal action. This assurance is also provided by 643.055, RSMo, which prevents the state from being sooner or stricter than federal regulations and effectively prevents Missouri from enforcing provisions of incorporated federal regulations that are not enforceable on a federal level. No changes have been made to the rule text as a result of this comment.

COMMENT #3: The City of Independence commented that the incorporated federal SSI rule includes requirements for SSI operator training and qualification that must be obtained through a state-approved program or by completing an incinerator operator training course that includes an examination designed and administered by the state-approved program. They requested the department keep regulated sources informed regarding plans for a state-approved SSI training program or available alternatives.
RESPONSE: The department's Air Pollution Control Program is developing a plan to meet the state's requirements for operator training and certification and will inform owners and operators of SSI units when the plan is available. No changes have been made to the rule text as a result of this comment.

Due to the similarity in the following two (2) comments, one (1) response that addresses these comments is presented after the two (2) comments.
COMMENT #4: The Association of Missouri Cleanwater Agencies and the City of Kansas City, Missouri, Water Services Department commented that there is no requirement for the department to adopt the proposed rule at this time and requests deferral of the adoption until the lawsuit by NACWA is resolved.
COMMENT #5: The Metropolitan St. Louis Sewer District commented that the proposed rule is not necessary and is not consistent with Missouri Air Conservation Law (MACL), the Missouri Administrative Procedures Act, and Titles V and VI of the federal Clean Air Act. The only requirement the state has at this time to comply with the new federal SSI rule is to submit a state plan to the U.S. Environmental Protection Agency (EPA) for EPA approval. The department should refrain from promulgating this proposed rule as it is unnecessary.
RESPONSE: The proposed state rule is part of the state plan pursuant to federal rule 40 CFR 60, subpart MMMM. This federal rule establishes the requirement for regulation of existing SSI units under a state plan and mandates submission of a state plan to EPA no later

than March 21, 2013. There is no provision in the federal rule for deferral of the state plan pending the outcome of any known or future legal proceedings. Therefore, the regulatory requirements of 40 CFR 60, subpart MMMM remain in effect even though legal action has been initiated, and these provisions are enforceable until such time as the court orders a stay, vacatur, or other similar action. As stated in the response to comment #2, the department's Air Pollution Control Program will not enforce provisions of 10 CSR 10-6.191 that are stayed at the federal level. No changes have been made to the rule text as a result of this comment.

COMMENT #6: The Association of Missouri Cleanwater Agencies; the City of Kansas City, Missouri, Water Services Department; and the Metropolitan St. Louis Sewer District requested that, if the department proceeds with the rulemaking, language be added to the rule to automatically stay its requirements if a court vacates or remands the incorporated federal rule, or if parties to litigation agree to a settlement agreement that invalidates all or part of the federal rule.
RESPONSE: Similar language to exempt provisions of an incorporated federal rule that are stayed was proposed in amendments to 10 CSR 10-6.070, 6.075, and 6.080 in June 2012 (37 MoReg 966-971). EPA objected to this language (37 MoReg 1610-1611) on the basis it may create confusion and cause additional concerns or issues. In addition, EPA noted that this language may function as a delegation of state authority to EPA or federal courts in litigation to which the department is not a party. Due to EPA's objection, the language exempting provisions of the incorporated federal rule was deleted from the amendments to 10 CSR 10-6.070, 6.075, and 6.080 as adopted and similar language will not be added to the SSI rule. Regulated sources are assured they will not be expected to comply with provisions of incorporated federal regulations that are stayed, as stated in the response to comment #2. No changes have been made to the rule text as a result of this comment.

Due to the similarity in the following three (3) comments, one (1) response that addresses these comments is presented after the three (3) comments.
COMMENT #7: The Association of Missouri Cleanwater Agencies commented that it is important that Missouri's publicly-owned treatment works are not asked to spend significant sums to address the new emissions limits ahead of the court's review of the validity of the EPA final rule. They disagree with the contention in the proposed rule that the public cost will be not more than five hundred dollars ($500) in the aggregate. If this is based on the department's adoption of the federal rule, then it should be qualified to require a revised financial analysis for any aspects of EPA's final rule which are adopted by the department but later invalidated through ongoing litigation.
COMMENT #8: The City of Kansas City, Missouri, Water Services Department suggested that the lack of fiscal note is problematic despite the department's articulation that one is not necessary due to the existence of the federal rule. Real costs of Missouri adoption and permit implementation is not less than five hundred dollars ($500), as stated in the proposed rule. They reference 536.200.1, RSMo, which mandates the issuance of a fiscal note, and Attorney General Opinion 21-92, which illustrates that fiscal notes are required for regulation that is imposed, mandated, or otherwise necessitated by third parties. A natural and logical extension can be made for a purported federal mandate or the state's election to adopt a federal model rule.
COMMENT #9: The Metropolitan St. Louis Sewer District commented that the proposed rule will have real and costly impact on the facilities impacted by the proposed rule. Early estimates of the district's cost of compliance with this proposed rule include an initial cost of twenty-five to forty million dollars ($25M–40M) in addition to an ongoing annual cost of about one hundred thousand dollars ($100,000) per year. These costs have not been accounted for with the proposed rulemaking.
RESPONSE: The proposed state rule adopts by reference the regulatory requirements of 40 CFR 60, subpart MMMM and imposes no additional requirements. Compliance costs such as training, permitting, testing, record keeping, retrofitting controls, etc., were imposed on the owners and operators of regulated SSI units with the federal rule promulgated on March 21, 2011. The federal rule requires Missouri to submit a state plan for regulation of existing SSI units that is at least as protective as the federal rule, and the proposed state rule is the legal mechanism for enforcement of the state plan. In the absence of a state plan, EPA will develop a federal plan to implement the provisions of 40 CFR 60, subpart MMMM, and owners and operators of existing SSI units not covered under an approved state plan would have to comply with the federal plan. Therefore, the proposed state rule does not contribute to the cost of compliance for the owners and operators of the regulated SSI units and a fiscal note is not required pursuant to 536.200.1, RSMo. Attorney General Opinion (AGO) 21-92 addresses fiscal notes that are required by 536.200, RSMo, and is not relevant to this rulemaking since no fiscal note is required. However, this opinion does reconfirm that 536.200 fiscal notes only include estimated costs attributable to proposed state rulemakings and not costs associated with the mandate requirements (in this case, the federal rule) which was subject to its own cost analysis. The department rulemaking information on the web clearly stated that public agency costs were included in the federal rulemaking and that the state rulemaking will not impose any additional costs. No changes have been made to the rule text as a result of this comment.

COMMENT #10: The Metropolitan St. Louis Sewer District commented the state's approach for complying with the rule should propose economically-feasible methods for compliance with the federal rule in order to make it consistent with the general intent of the MACL. The proposed rule should be more narrowly tailored to meet the federal rule's requirement of issuing a state plan outlining how the state will comply with the federal rule.
RESPONSE: The federal rule implementing requirements for prevention, abatement, and control of SSI emissions is already promulgated, and incorporating its provisions into a state rule is the most practical and economically-feasible method of regulating SSI emissions in Missouri. The federal rule requires any deviation from the federal rule to be as protective as the federal rule, while MACL prevents the state from being sooner or stricter than federal regulations. Therefore, the proposed state rule must implement the federal requirements without being stricter or more lax. No changes have been made to the rule text as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission rescinds a rule as follows:

10 CSR 10-6.368 Control of Mercury Emissions From Electric Generating Units **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1460–1461). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed rescission.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission adopts a rule as follows:

11 CSR 45-5.193 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2012 (37 MoReg 1583). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on December 12, 2012. Written comments were received from Thompson Coburn LLP on behalf of Bally Technologies, and International Gaming Technology (IGT). The MGC staff also commented on the rule.

COMMENT #1: A staff member requested adding "the bet with the lowest amount of the non-linear pay table" to the last sentence in subsection (1)(A).
RESPONSE AND EXPLANATION OF CHANGE: The staff agreed to a modified version of the suggested language and the change was made to subsection (1)(A).

Comments from Thompson Coburn LLP on behalf of Bally Technologies:
COMMENT #2: For the sake of clarity, additional parentheses should be added in subsection (1)(A), in the standard deviation calculation as follows:

$$((Net\ Pay_i - E.V.)^2 \times probability_i)$$

We suggest this so that it is clear the summation operation applies to the full term under the radical and not just the first portion. It is also worth noting that there are alternate methods of calculating the standard deviation of a game which are mathematically equivalent to the one indicated.

The more customary calculation is as shown, but with Net Pay_i defined as "the amount of each individual pay divided by the number of coins wagered" (note that the "1 minus" is not included here) and with E.V. defined as "the game's payback percentage."

We suggest that these alternate (but mathematically equivalent) methods, including the more customary calculation detailed above, should also be considered acceptable under this standard.
RESPONSE AND EXPLANATION OF CHANGE: This rule has been changed to add the parentheses to the equation, and to reword the key.

COMMENT #3: Subsection (1)(B)—Regarding Probability Accounting Report (PAR) sheets—"Calculate PAR sheets to a ninety-nine percent (99%) confidence value utilizing theoretical analysis" is not a mathematically correct statement. If the game is calculated theoretically, then it is one hundred percent (100%) correct, and there is no "confidence value" involved. For fully theoretical calculations, either the calculation is correct or it is not. Please see the final comment on subsection (1)(B) for Bally's suggested language.
RESPONSE AND EXPLANATION OF CHANGE: MGC agreed to incorporate the changes to make it mathematically correct.

COMMENT #4: Subsection (1)(B)—The ninety-nine percent (99%) confidence requirement for games is especially stringent. Many industry standards utilize a similar policy that applies a ninety-five percent (95%) confidence interval; Bally recommends that for this standard, Missouri also adopt the ninety-five percent (95%) confidence value. This will provide a clear requirement, consistent with industry, which manufacturers are prepared to work toward. Please see the final comment on subsection (1)(B) for Bally's suggested language.
RESPONSE AND EXPLANATION OF CHANGE: MGC agrees to change the confidence value to ninety-five percent (95%).

COMMENT #5: Subsection (1)(B)—We request clarification be added within the standard for the following: By "tolerance of 0.01%", is the intent that the half-width of the confidence interval must be $\leq 0.01\%$ (so a 90.00% game would be $90.00\% \pm 0.01\%$) or that the full width of the confidence interval must be $\leq 0.01\%$ (so a 90.00% game would be $90.00\% \pm 0.005\%$)? Again, by comparison, the independent test lab Bally employs applies a policy which uses the latter $\pm 0.005\%$, but at ninety-five percent (95%) confidence). Please see Bally's suggested language for subsection (1)(B) in the next comment section.

Taking all the comments on subsection (1)(B) together, Bally suggests the following change: "(B) Calculate PAR sheets utilizing theoretical analysis where feasible. When the Return to Player (RTP) percentage cannot be feasibly computed using theoretical analysis, the RTP percentage shall be computed such that the half-width of the ninety-five percent (95%) confidence interval is not more than 0.005%."
COMMENT #6: Subsection (1)(B)—We assert that the "at least one hundred (100) million simulations" requirement is unnecessary and recommend that it not be included in the rule. Proper calculation of the confidence interval already includes consideration for the sample size:

$$\text{Confidence Interval} = \frac{\kappa\sigma}{\sqrt{n}}$$

where:
κ is the z-value for the confidence level
σ is the standard deviation
n is the number of samples

COMMENT # 7: If a game meets the confidence interval requirements with fewer than one hundred (100) million games, it still meets the confidence interval requirements. And although experience shows that more than one hundred (100) million games are required for even the ninety-five percent (95%) confidence interval (Bally's internal baseline is greater), we would recommend that the one hundred (100) million simulations requirement not be included, if for no other reason that it is an unnecessary requirement in the context of the math.

It is also worth noting that as currently written, the requirement of "one hundred (100) million simulations" is unclear. We understand the intent to be some number of simulation runs totaling one hundred (100) million games played. If this requirement is kept in the standard, it should be reworded to read ". . . using at least one hundred (100) million simulated games."
RESPONSE AND EXPLANATION OF CHANGE: Taking the comments into consideration, the staff made changes to clarify the intent of the rule. The staff agrees with the last comment and the phrase "at least one hundred (100) million simulations" has been removed from subsection (1)(B).

COMMENT #8: Subsection (1)(C)—This requirement is very unclear. Bally requests clarification and example(s) regarding "features which

introduce independent VIs." It will be difficult to determine the need for the "written authorization," as required in this rule, without understanding the commission's comprehension of such features.
RESPONSE AND EXPLANATION OF CHANGE: MGC revised the rule to clarify the meaning based on a conference call to explain the intent of the rule.

COMMENT #9: Subsection (2)(B)—Bally requests clarification regarding independent testing laboratories:
1. Our understanding is that the standard confidence intervals in subsection (2)(B) is provided in the certification letter for informational purposes only, and that there are no threshold requirements on either the VI or the Percent Payback ± VI. Is that correct?
2. If this is more than just informational, what is the "number of games played" that should be used in the formula?
RESPONSE AND EXPLANATION OF CHANGE: MGC revised the rule to clarify the confidence levels at different intervals.

Comments from IGT:
COMMENT #10: Carrie Porterfield from IGT has the following feedback and requests for commission consideration:
Subsections (1)(A) and (1)(B)—IGT utilizes a ninety-five percent (95%) confidence level when computing the volatility index of all nonskill-based EGD themes. The proposed ninety-nine percent (99%) confidence level within a tolerance of 0.01% is a possible calculation but introduces a unique requirement for the Missouri market that would require an additional amount of time, effort and cost to achieve. Thus, IGT requests consideration to change this requirement to utilize a ninety-five percent (95%) confidence level. IGT is available to discuss the specifics regarding our calculation methodology for ninety-five percent (95%) confidence level upon commission request.
Should the commission choose to keep the ninety-nine percent (99%) confidence level, IGT would like to understand the timing of implementation and the disposition of the existing products already in the Missouri market. IGT requests that those products already placed in the market be permitted to remain in use indefinitely and that skill-based games are excluded from this requirement. Lastly, IGT requests further dialogue with the commission to understand the calculation in regards to specific cases, such as: minimum bet is greater than one (1)-line played or when bonus features are utilized.
RESPONSE AND EXPLANATION OF CHANGE: MGC agrees to change the confidence level to ninety-five percent (95%).

COMMENT #11: Subsection (1)(C)—IGT seeks confirmation regarding a feature which introduces an independent volatility index to include top boxes, community bonus games and games with an external progressive controller with a minimum contribution rate reflected on the base game PAR sheet.
RESPONSE AND EXPLANATION OF CHANGE: MGC made contact with IGT to clarify the intent of the rule.

COMMENT #12: Subsection (1)(D)—The current practice in Missouri and most other jurisdictions is that the base amount of most payouts derived from conventional progressive controllers is calculated into the PAR sheet of the base game. In addition, some PAR sheets include a fixed or minimum increment rate built into the PAR sheet. In that scenario, the best practice is that the associated progressive payout meter would be incremented rather than the coin-out meter or hand-paid meter.
RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(D) was reworded to clarify the intent of the rule to increment the meters appropriately to correspond with the PAR sheets of the game.

COMMENT #13: Subsection (1)(D)—The staff has recommended this subsection should only apply to EGD software submitted after January 1, 2014, to allow manufacturers time to revise their system designs.
RESPONSE AND EXPLANATION OF CHANGE: An extension date was added to subsection (1)(D) to exempt current games, and any games that are submitted prior to January 2, 2014, that do not meet this metering standard.

COMMENT #14: Comments received by IGT included their opinion that the adoption of the rule would result in an expenditure by private entities in excess of five hundred dollars ($500).
RESPONSE AND EXPLANATION OF CHANGE: A revised private fiscal note is published with this order of rulemaking.

11 CSR 45-5.193 Statistical Performance of Electronic Gaming Devices

(1) Gaming equipment suppliers shall—

(A) Provide the volatility index (VI) on all Probability Accounting Report (PAR) sheets. The volatility index shall be calculated at ninety-five percent (95%) confidence level and at one (1)-line played, or the electronic gaming device (EGD) minimum bet where applicable. For EGDs with non-linear pay tables, the bet with the lowest payout shall be used. The calculations shall be accomplished by utilizing the below formulas:

$$VI = \kappa\sigma$$

Where κ equals the z score for the required confidence level and σ is the standard deviation for the game.

The standard deviation is calculated as follows:

$$\sigma = \sqrt{\sum_{i=1}^{n}((\text{Net Pay}_i - \text{E.V.})^2 \times \text{probability}_i)}$$

Net Pay_i = (the amount of each individual pay divided by the number of coins wagered)
E.V. = the payback percentage for the game
Probability_i = probability of each Net Pay_i

(B) Calculate PAR sheets utilizing theoretical analysis where feasible. When the Return To Player (RTP) percentage cannot be feasibly computed using theoretical analysis the RTP percentage shall be computed such that the half-width of the ninety-five percent (95%) confidence interval is not more than .01%. Within these PAR sheets, provide standard confidence intervals at a confidence level of ninety-five percent (95%) with each interval showing 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000 games played;

(C) Obtain written authorization from the commission prior to submitting any EGDs that support features which introduce independent VIs, separate from the base game VI, to an independent testing laboratory;

(D) All EGD software submitted for approval after January 1, 2014, shall ensure each EGD payout that is calculated into the PAR sheet's RTP for the game increments the appropriate coin-out, attendant-paid jackpot, attendant-paid progressive payout, or machine-paid progressive payout meter to allow for the analysis of game performance. Any features not calculated into the PAR sheet's RTP of the game shall not increment these meters; and

(2) Independent testing laboratories shall—

(B) Provide standard confidence intervals at a confidence level of ninety-nine percent (99%) in the certification letters using this formula—

$$\text{Percent Payback} \pm \frac{VI}{\sqrt{\text{number of games played}}}$$

with the number of games played for each interval being 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000.

REVISED PRIVATE COST: Comments received by IGT included their opinion that the adoption of the rule would result in an expenditure by private entities in excess of five hundred dollars ($500). A revised private fiscal note is published with this order of rulemaking.

REVISED FISCAL NOTE
PRIVATE COST

I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY
Division Title: 45—Missouri Gaming Commission
Chapter Title: 5—Conduct of Gaming

Rule Number and Title:	**11 CSR 45-5.193 Statistical Performance of Electronic Gaming Devices**
Type of Rulemaking:	Order of Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
One	**Manufacturer**	**$500,000 annually**

III. WORKSHEET

The estimated annual cost submitted by one manufacturer is $500,000 annually.

IV. ASSUMPTIONS

Based on discussion, one manufacturer noted that the meters that shall be incremented to reflect a payment from a feature that is not calculated into the PAR sheet RTP of the game is the "External System Bonus" meters. As this unique requirement utilizes a non-industry standard metering model for progressive functionality, the manufacturer submits an initial fiscal impact estimate of over $500,000 for products planned for release May 2013 through December 2013 as well as a substantial ongoing cost for each additional product placed into the Missouri market. The manufacturer did not indicate the amount of the "substantial ongoing costs" for each additional product for future years.

No other manufacturers noted any costs associated with this rule.

The anticipated total cost for this rule will recur annually for the life of the rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-9.105 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2012 (37 MoReg 1583–1586). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter E, and those changes are explained in the comments below. Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 12, 2012. Written comments were received from Mike Winter, Executive Director of the Missouri Gaming Association (MGA), International Gaming Technology (IGT), and Bally Technologies (Bally). No additional verbal comments were made at the public hearing. The MGC staff also commented on the rule.

COMMENT #1: Some of our MGA members are still working with their vendor to determine if they can comply with the provisions contained in E §1.05. If the vendor is unable to produce the report, we would request a modification to the regulation to accommodate those properties unable to produce the required report.
RESPONSE: This standard is written "if configurable" to address the one (1) manufacturer whose system does not send the door lock alarms when the machine is powered down. No change has been made as a result of this comment.

COMMENT #2: In E §2.02, MGA would again raise the same concern as was noted in E §1.05 regarding a vendor's ability to produce the required report.
RESPONSE: The staff believes this comment is referring to E §2.20. Manufacturers have assured the commission this report can be made available prior to the implementation of this rule. No changes have been made as a result of this comment.

COMMENT #3: For the Jackpot Chart in E §2.04, MGA noted that the commission is proposing to require MGC security seal verification for jackpot amounts of $15,000–$49,999.99. MGA would request the commission to consider modifying the proposed changes so that no MGC security seal verification is required for jackpot amounts of $15,000–$49,999.99. If MGC feels verification is necessary for jackpots above $25,000, MGA would suggest creating another box, similar to what is currently in place, for jackpots between $15,000–$24,999.99 where no seal verification is required.
RESPONSE: The new rule already increased the amount from ten thousand dollars ($10,000) to fifteen thousand dollars ($15,000). Jackpots of fifteen thousand dollars ($15,000) are not that common. No change has been made as a result of this comment.

COMMENT #4: In E §2.06, MGA would suggest MGC allow for different supervisors to provide jackpot verification at the beginning of the transaction and at the completion of the transaction; therefore, allowing for two (2) separate verifiers. By allowing two (2) separate supervisor verifiers, you have additional confirmation that the correct amount is being paid to the guest. We are confident a process could be put in place to provide the proper verification and safeguards. This could be determined by the property and provided to the MGC in their internal control submissions.
RESPONSE AND EXPLANATION OF CHANGE: The same person needs to witness the reel combination and the payout to ensure the correct jackpot amount is paid based on the winning combination displayed on the machine. No change has been made as a result of this comment; however, the word "winning" was added before "patron" in E §2.06 for consistency with E §2.10.

COMMENT #5: An MGC staff member asked, why does it say that jackpots may not be paid from a slot wallet in E §2.08? E §9.02 allows slot wallets to be used to pay out jackpots under five thousand dollars ($5,000) and to redeem tickets when the ticket validation system is down. Please look at revising this standard or removing "however, jackpots may not be paid from a slot wallet."
RESPONSE: The staff rewrite committee upon reviewing E §2.08 concluded there is no conflict between the rules. No change has been made as a result of this comment.

COMMENT #6: The staff suggested a change to E §2.10, to make it clear that the casino has to pay the winning patron of the jackpot. E §2.10 "Jackpots (chips, currency, check, etc.) shall be paid to the winning patron upon successful verification of the winning combination(s). If requested by a patron, payouts via casino issued check shall be paid to the winning patron from the casino cage."
RESPONSE AND EXPLANATION OF CHANGE: This change will be made to clarify that only the winning patron may be paid.

COMMENT #7: In E §2.11, MGA made the recommendation to increase the jackpot amount from fifteen thousand dollars ($15,000) to fifty thousand dollars ($50,000) or more.
RESPONSE: The new rule already increased the amount from ten thousand dollars ($10,000) to fifteen thousand dollars ($15,000). Jackpots of fifteen thousand dollars ($15,000) are not that common. No change has been made as a result of this comment.

COMMENT #8: The staff noted the rule in E §2.16, as proposed, states the override jackpots shall be paid and witnessed according to the Jackpot Chart, but in the next sentence it says a supervisor processes the jackpot. According to the chart, a supervisor would not always be the payor or processor of the jackpot, so that conflict needs to be resolved.
RESPONSE AND EXPLANATION OF CHANGE: We revised the first sentence to state, "Override jackpots shall be paid by a slot supervisor and witnessed according to the Jackpot Chart."

COMMENT #9: in E §4.01 the staff recommended changing "reel strip test" to "reel strip/pay table test."
RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #10: The staff suggested clarifying the requirement in E §4.01 to make it more technically correct. "Any time the CPSM is changed and prior to bringing the EGD in service, a reel strip test for the top award shall be conducted verifying the combination and payout listed on the pay glass/pay screen matches the reel strip combination displayed, and the award credits displayed."
RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #11: Bally recommends updating the MICS to clarify technical (T) and operational (O) requirements within each standard. We recognize that the MGC applies certain aspects of a standard to a licensee's operational process and other aspects to an EGD's technical functionality. However, in other jurisdictions where this is practiced, additional clarification is often provided by including identifiers within the standard for how and where it applies. To provide a

direct correlation to how this might be done in the MICS Chapter E draft, here is an example of the new E §4.01 with this enhancement applied:

> E § 4.01. "(T) (O) Any time the CPSM is changed and prior to bringing the EGD in service, a reel strip test for the top award shall be conducted verifying the pay glass/pay screen, the reel strip award, and the award display amount match."

This example shows there are both technical and operational requirements to be met. A manufacturer and test lab can clearly identify the technical requirements and design appropriate test cases. A licensee can quickly see the standard contains an operational requirement and establish the necessary control process.

This enhancement will reduce the risk of misinterpretations and unintentional non-compliance; and therefore, benefits all participants in the Missouri gaming industry.

RESPONSE: Suppliers and test laboratories have an obligation to know the testing standards. No change has been made as a result of this comment.

COMMENT #12: For some of our MGA members, an information technology (IT) employee does not assign cards to the tech department, as proposed in E §4.03(A). In those instances, cards are created and provided to the lead or manager of the slot techs for assignment to the techs. We would request this type of process be allowed under the internal controls. We would also like some clarification if the last sentence in E §4.03(A) means cards cannot be made for slot floor persons or whom this statement pertains to.

RESPONSE AND EXPLANATION OF CHANGE: The standard allows for the tech slot supervisor to assign cards. The last sentence has been deleted, since all test cards for Phase II testing must be assigned.

COMMENT #13: The staff commented that E §4.16 should be changed to be technically correct to clarify that central processing unit (CPU) boards, whether they are installed or not, need to be locked in EGDs when they are stored on or off property. The way this is written the requirement to lock the CPU compartment and the EGD is contingent on whether the CPU is installed.

RESPONSE AND EXPLANATION OF CHANGE: E §4.16 has been revised to require constant surveillance coverage on property. "Off site" has been changed to "off property" and that site is still required to be alarmed. The rule was revised to clarify that EGDs may be stored with CPU boards with locks only on property. The last sentence of E §4.16(B) has been deleted.

COMMENT #14: The staff noted the rule in E §4.16 should also clarify whether the locks on the EGD main door and CPU compartment door require sensitive keys when the EGDs are stored off property. Sensitive keys cannot leave the property. If a sensitive key is required then an EGD will have to be returned to the property for it to be opened if the critical program storage media (CPSM) or CPU is locked inside.

RESPONSE AND EXPLANATION OF CHANGE: Changed rule to not allow sensitive locks off property.

COMMENT #15: E §5.02 requires the Class B licensee to provide a copy of the gaming device manufacturer's Random Access Memory (RAM) clear procedures. MGA would again note that since these vendors are licensed as suppliers by the commission, it would be appropriate for the commission to request these procedures directly from the manufacturer rather than requiring the Class B licensee to provide them.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to delete the last sentence in E §5.02.

COMMENT #16: In E §5.03, MGA would request the commission to consider adding the flexibility if a casino system can produce a document showing the meter reading, that it can be used in lieu of a RAM clear slip and provide proper supervisory signatures regarding this process.

RESPONSE: The RAM clear slip is currently a MICS required form. Each casino has the required form included in their internal control system. We are removing the meter reading and reel position requirements in MICS Chapter R. The RAM clear slip requirements in MICS Chapter R § 7.01(Y) will be updated to be consistent with the changes in MICS Chapter E.

COMMENT #17: Staff requested a revision to E §5.03(B) to change the phrase "with the" to "by the."

RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #18: In the second sentence of E §6.08, MGA believes the comparison needs to be done by device and not pay table; therefore, we recommend changing "Any pay table" to "Any EGD." Since some games have multiple pay tables, if not modified, this could become a significant task.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees and the appropriate change has been made.

COMMENT #19: Bally recommends the requirement in E §6.08 be removed. A formal analysis of this extent is likely outside the scope of what a typical licensee (i.e., casino) could easily accomplish, which creates a hardship for the licensees. We also see potential in the requirement for additional investigation of EGDs that "fall outside of the calculated return to player (RTP)" to become extremely taxing on the MGC audit staff. Based on the following assessment, the expense will likely exceed the value of the effort with regard to actual discrepancies found.

Because EGD outcomes are random occurrences, it is expected that some number of games would have an RTP variance outside that indicated by the confidence intervals. On average, one percent (1%) of EGDs will report RTPs outside of the ninety-nine percent (99%) confidence interval. For a casino with two thousand (2,000) EGDs, that means that twenty (20) (on average) would report RTPs outside the confidence interval.

When including games with strategy decisions, where that decision affects RTP (such as video poker), that percentage of games that are outside the confidence intervals will increase as RTPs and volatility are calculated assuming optimal play, but suboptimal play can reduce RTPs significantly. For video poker, specifically, that RTP reduction due to suboptimal play is generally estimated to be on the order of about four to five percent (4% to 5%) (which could mean that all video poker games on a casino's floor might normally report a "discrepancy").

The problem with the standard is that in most cases, "further investigation to determine the source of the discrepancy" will not turn up any meaningful cause since the "discrepancy" is in fact merely the normal variance of on EGD driven by random outcomes. That is, for all manufacturers' games, some variance outside the confidence intervals is to be expected as part of the normal operation of the EGD.

Further, because everything is based on the randomness of outcomes, the number of games with RTPs outside the confidence interval is itself driven by randomness. Again in a casino with two thousand (2,000) EGDs finding that twenty-one (21) fall outside the confidence interval does not automatically mean that twenty (20) are due to normal operation and one (1) is due to some other kind of (non-normal) issue. The meta-analysis needed to determine what is truly a statistical outlier is fairly complex, and generally requires formal training in statistics and probability.

For the reasons stated above, we believe that even with the "100,000 life-to-date handle pulls of activity" qualifier, this standard will be overly burdensome to the MGC and licensees.

If removing this requirement is not an option, Bally would suggest the following language allowing the MGC to determine the need for (A) any additional analysis to be done, and (B) any further investigation of the analysis results by the MGC. This will give the MGC a more responsive control over the extent and expense of the standard.

"Class B licensees shall on a semi-annual basis within the first and third calendar quarters perform a theoretical-to-actual percentage return to player (RTP) comparison for each Electronic Gaming Device (EGD) deploying the game of chance and/or skill, that has had at least 100,000 life-to date handle pulls of activity. All findings and facts regarding any pay table displaying a variance of ±4% shall be submitted to the EGD department in a format approved by the Commission within fifteen days of the end of the calendar quarter. Should the EGD department determine a need for more detail:

(A) The licensee will perform an additional analysis which shall include a review of the pay table to determine the proper RTP percentage confidence intervals as calculated using the number of games played, the theoretical RTP percentage and the Volatility Index (VI) as provided within the manufacturer's PAR (Probability Accounting Report) or exactomizer-index sheet(s).

(B) Upon completion of the additional analysis, any pay table(s) where the actual RTP percentage falls outside of the calculated RTP percentage confidence intervals shall be submitted to EGD department to be investigated further to determine the source of the discrepancy."

RESPONSE: The staff believes this rule has value to ensure that the EGDs are performing according to their design specifications and also to ensure that pay tables do not have vulnerabilities. No change has been made as a result of this comment.

COMMENT #20: MGA would suggest the following change to E §8.02: Delete the last sentence and replace it with "Any found U.S. currency, tickets or coupons shall be handled in accordance with Chapter H."
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees and this change has been made.

COMMENT #21: The staff recommends a revision to E §11.06 to clarify/change the MGC notification requirements when removing or converting progressive EGDs. Currently, the proposed E §11.06 requires a notification to the "MGC boat supervisor." Staff discussed this process during a recent enforcement meeting and recognized this should be streamlined throughout the EGD department.
RESPONSE AND EXPLANATION OF CHANGE: After reviewing the comment to E §11.06, the rewrite committee agrees and the notification will be to the EGD department. To be consistent within the chapter, the job title for the MGC coordinator has also been updated to the MGC EGD coordinator in E §4.07.

COMMENT #22: Staff recommended we draft a standardized form for all properties to use for notification as per E §11.06 when submitting a request to the MGC EGD department.
RESPONSE: No specific form will be provided. Notification to the EGD department shall be provided in a format approved by the MGC.

COMMENT #23: IGT noted that E §12.11 defines that an EGD shall lock up and result in a hand pay when it has lost communication from the validation system; whereas, E §12.12 defines an EGD that contains a system component that is capable of retaining all information for ticket validation to not be considered to have lost communication. This results in a perceived difference when reviewing E §12.11 independently.
RESPONSE AND EXPLANATION OF CHANGE: The staff has decided to combine the two (2) sections. E §12.12 was designed to clarify that the casino does not have to process a hand-paid jackpot, if the EGD could still print the ticket, even though the EGD is offline.

COMMENT #24: IGT noted that recent technical and protocol developments provide a robust process for offline ticket redemption that are supported in technical standards such as Nevada 3.150(11) and GLI-11. In resolving the perceived difference noted above, IGT would encourage consideration of these developments with regard to E §12.11.
RESPONSE: We will consider changes in the future rewrites. No change has been made as a result of this comment.

COMMENT #25: The staff recommended E §12.14 be deleted and replaced with a rule that states, "The TITO system shall not allow for tickets to be reprinted."
RESPONSE AND EXPLANATION OF CHANGE: The section has been changed to read, "EGDs shall not be capable of printing duplicate tickets."

COMMENT #26: The staff recommended E §12.20 be clarified to only allow a database administrator to access ticket validation numbers. Occasionally, IT will have to research a ticket validation number for the audit department; however, access needs to be restricted to prevent ticket theft.
RESPONSE AND EXPLANATION OF CHANGE: A sentence has been added to specify that access is limited to IT staff or other positions approved by MGC. The third sentence of E §12.20 has been changed to read, " Any EGD or system hardware on the EGD that holds ticket information shall not have any options or methods that would allow for viewing of the full validation number prior to redemption."

COMMENT #27: The staff recommended that E §14.07(G) be removed. This requirement was removed from the *Code of State Regulations* earlier this year.
RESPONSE AND EXPLANATION OF CHANGE: This deletion has been made.

11 CSR 45-9.105 Minimum Internal Control Standards (MICS)—Chapter E

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter E—Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on January 30, 2013.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-9.118 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1,

2012 (37 MoReg 1587). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter R, and those changes are explained in the comments below. Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 12, 2012. No one commented at the public hearing. Written comments were received from Mike Winter, Executive Director of the Missouri Gaming Association (MGA). The MGC staff also had two (2) comments.

COMMENT #1: In Chapter R §7 Forms Description, MGA suggested adding the same clarifying statement in R §7.01(P)7) as is provided in R §7.01(P)3) for the EGD Hand-Paid Jackpot Form. We suggest adding the following: "Alpha is optional if another unalterable method is used for evidencing the amount of the jackpot."
RESPONSE AND EXPLANATION OF CHANGE: Changed as requested. Also made same change for the Table Games Jackpot Slip in §7.01(BBB)9).

COMMENT #2: The staff noted the RAM Clearing Slip listed in R §7.01(Y) should be revised to remove the meter reading and reel position requirements to be consistent with the changes made to MICS Chapter E §5.03.
RESPONSE AND EXPLANATION OF CHANGE: The RAM Clearing Slip requirements in R §7.01(Y) will be updated to be consistent with the changes in MICS Chapter E.

COMMENT #3: Several staff members commented that the Personnel Access List form was removed from MICS Chapter E on June 30, 2011; however, it was not removed from MICS Chapter R §7.01(YY).
RESPONSE AND EXPLANATION OF CHANGE: Since the form is no longer required in MICS Chapter E, it will be removed in MICS Chapter R.

COMMENT #4: In R §7.01(BBB)3), MGA would like some clarification on why the alpha and numeric is required on the gross amount and would suggest that it be removed.
RESPONSE AND EXPLANATION OF CHANGE: The change has been made. The staff made the same change to R §7.01(BBB)9).

COMMENT #5: MGA would also like some clarification on why this level of detail is needed in R §7.01(BBB)4).
RESPONSE AND EXPLANATION OF CHANGE: This information on the amount wagered and the odds of the bet at the time of the wager is necessary to verify, after the incident, whether the bet and outcome were in fact a taxable event.

COMMENT #6: In R §7.01(EEE) staff noted the reference to 11 CSR 45-5.184 and 11 CSR 45-5.185 should be removed following the form title.
RESPONSE AND EXPLANATION OF CHANGE: The change has been made.

11 CSR 45-9.118 Minimum Internal Control Standards (MICS)—Chapter R

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on January 30, 2013.

Previous Section

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
David E. Mollohan d/b/a M & D Excavating Case No. 11WR-CR00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014

Dated this 28th day of January, 2013.

Robert A. Bedell, Acting Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION

THE LAW OFFICE OF RICHARD WALKER, LLC

To: All creditors and claimants against The Law Offices of Richard Walker, LLC, a Missouri Limited Liability Company.

On the 8th day of March, 2013, The Law Office of Richard Walker, LLC, A Missouri Limited Liability Company, Charter Number LC12628, filed its Notice of Winding Up with the Missouri Secretary of State.

You are hearby notified that if you believe you have a claim against The Law Office of Richard Walker, LLC., you must submit a summary in writing of the claim to Richard E. Walker, 1207 Flintshire Lane, Lake Saint Louis, MO 63367.

All claims must include the following information:

1. The name, address, and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against The Law Office of Richard Walker, LLC., will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE TO UNKNOWN CREDITORS OF STEPHENSON'S RESTAURANTS, INC.

Stephenson's Restaurants, Inc. (the "Company") has been dissolved pursuant to Section 351.418 of The General and Business Corporation Law of Missouri by filing its Articles of Dissolution with the Missouri Secretary of State on February 15, 2013. Pursuant to Section 351.482 of The Missouri General and Business Corporation Law of Missouri, any claims against the Company must be sent to:

Stephenson's Restaurants, Inc.
c/o Bryan Cave LLP
3500 One Kansas City Place
1200 Main Street
Kansas City, MO 64105

Claims submitted must include the following information: (1) claimant name, address, and phone number; (2) name of debtor; (3) account or other number by which the debtor may identify the creditor; (4) a brief description of the nature of the debt or the basis of the claim; (5) the amount of the claim; (6) the date the claim was incurred; and (7) supporting documentation for the claim, if any.

NOTICE: CLAIMS OF CREDITORS OF THE CORPORATION WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS OF THE DATE OF THIS NOTICE.

NOTICE TO THE UNKNOWN CREDITORS OF WYNCREST HOLDINGS, INC.

You are hereby notified that on December 14, 2012, pursuant to Section 351.464 of The General and Business Corporation Law of Missouri, the sole director and sole shareholder of Wyncrest Holdings, Inc., a Missouri profit corporation (the "Company"), the registered office of which is located in Jefferson City/Cole County, Missouri, authorized the voluntary dissolution of the Company with the Secretary of State of Missouri.

Persons with claims against the Company should present them in accordance with the following procedure:

A. In order to file a claim with the Company, you must furnish (i) the amount of the claim; (ii) the basis for the claim; and (iii) all necessary documentation supporting the claim.

B. All claims must be mailed to:

Wyncrest Holdings, Inc.
c/o Bryan Cave, LLP
211 N. Broadway Suite 3600
St. Louis, MO 63102
Attention: Carol Hund

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859
1 CSR 10-15.010	Commissioner of Administration	38 MoReg 5	38 MoReg 7	This Issue	
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.020	Animal Health	37 MoReg 1699	37 MoReg 1762	38 MoReg 472	
2 CSR 30-10.010	Animal Health	38 MoReg 5	38 MoReg 82		
2 CSR 70-11.070	Plant Industries	37 MoReg 1637	37 MoReg 1640	38 MoReg 430	
2 CSR 90-10	Weights and Measures				37 MoReg 1197
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.431	Conservation Commission		38 MoReg 248	This Issue	
3 CSR 10-7.455	Conservation Commission		38 MoReg 248	This Issue	38 MoReg 212
3 CSR 10-10.705	Conservation Commission		This Issue		
3 CSR 10-10.722	Conservation Commission		This Issue		
3 CSR 10-10.725	Conservation Commission		This Issue		
3 CSR 10-12.109	Conservation Commission		This Issue		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		This Issue		
3 CSR 10-20.805	Conservation Commission		This Issue		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 195-6.010	Division of Workforce Development		38 MoReg 171		
4 CSR 195-6.020	Division of Workforce Development		38 MoReg 171		
4 CSR 195-6.030	Division of Workforce Development		38 MoReg 172		
4 CSR 195-6.040	Division of Workforce Development		38 MoReg 173		
4 CSR 195-6.050	Division of Workforce Development		38 MoReg 173		
4 CSR 240-40.020	Public Service Commission		38 MoReg 82	This Issue	
4 CSR 240-40.030	Public Service Commission		38 MoReg 86	This Issue	
4 CSR 240-40.080	Public Service Commission		38 MoReg 99	This Issue	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.260	Division of Learning Services		38 MoReg 99		
5 CSR 20-200.280	Division of Learning Services		37 MoReg 1766	38 MoReg 534	
5 CSR 20-300.110	Division of Learning Services		N.A.	38 MoReg 534	
5 CSR 20-300.120	Division of Learning Services		N.A.	38 MoReg 535	
5 CSR 20-400.125	Division of Learning Services		38 MoReg 507		
5 CSR 20-400.270	Division of Learning Services		38 MoReg 105		
5 CSR 20-400.280	Division of Learning Services		37 MoReg 1643	38 MoReg 535	
5 CSR 20-600.110	Division of Learning Services		38 MoReg 508		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.190	Commissioner of Higher Education		38 MoReg 174		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-7.020	Missouri Highways and Transportation Commission		38 MoReg 427		
7 CSR 10-7.030	Missouri Highways and Transportation Commission		38 MoReg 427		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				38 MoReg 431
7 CSR 60-2.010	Highway Safety Division		This Issue		
7 CSR 60-2.020	Highway Safety Division		This Issue		
7 CSR 60-2.030	Highway Safety Division		This Issue		
7 CSR 60-2.040	Highway Safety Division		This Issue		
7 CSR 60-2.050	Highway Safety Division		This Issue		
7 CSR 60-2.060	Highway Safety Division		This Issue		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-1.010	Air Conservation Commission		37 MoReg 1646		
10 CSR 10-2.330	Air Conservation Commission		37 MoReg 1769		
10 CSR 10-5.570	Air Conservation Commission		This Issue		
10 CSR 10-6.060	Air Conservation Commission		This Issue		
10 CSR 10-6.110	Air Conservation Commission		This Issue		
10 CSR 10-6.191	Air Conservation Commission		37 MoReg 1460	This Issue	
10 CSR 10-6.345	Air Conservation Commission		This IssueR		
10 CSR 10-6.368	Air Conservation Commission		37 MoReg 1460R	This IssueR	
10 CSR 10-6.390	Air Conservation Commission		This Issue		
10 CSR 10-6.400	Air Conservation Commission		This Issue		
10 CSR 23-1.075	Division of Geology and Land Survey		38 MoReg 283		
10 CSR 40-3.040	Land Reclamation Commission		38 MoReg 177		
10 CSR 40-3.060	Land Reclamation Commission		38 MoReg 178		
10 CSR 40-3.170	Land Reclamation Commission		38 MoReg 178		
10 CSR 40-3.180	Land Reclamation Commission		38 MoReg 178		
10 CSR 40-3.200	Land Reclamation Commission		38 MoReg 179		
10 CSR 40-3.210	Land Reclamation Commission		38 MoReg 181		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 40-3.220	Land Reclamation Commission		38 MoReg 181		
10 CSR 40-3.230	Land Reclamation Commission		38 MoReg 182		
10 CSR 40-3.240	Land Reclamation Commission		38 MoReg 182		
10 CSR 40-3.260	Land Reclamation Commission		38 MoReg 182		
10 CSR 40-3.300	Land Reclamation Commission		38 MoReg 183		
10 CSR 40-6.020	Land Reclamation Commission		38 MoReg 183		
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 184		
10 CSR 40-6.040	Land Reclamation Commission		38 MoReg 184		
10 CSR 40-6.050	Land Reclamation Commission		38 MoReg 185		
10 CSR 40-6.060	Land Reclamation Commission		38 MoReg 185		
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 186		
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 187		
10 CSR 40-6.110	Land Reclamation Commission		38 MoReg 187		
10 CSR 40-6.120	Land Reclamation Commission		38 MoReg 188		
10 CSR 40-7.050	Land Reclamation Commission		38 MoReg 189		
10 CSR 40-8.010	Land Reclamation Commission		38 MoReg 190		
10 CSR 40-8.020	Land Reclamation Commission		38 MoReg 195		
10 CSR 40-8.070	Land Reclamation Commission		38 MoReg 195		
10 CSR 140-2	Division of Energy				38 MoReg 432
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 30-14.010	Office of the Director	38 MoReg 243	38 MoReg 249		
11 CSR 45-4.260	Missouri Gaming Commission		38 MoReg 428		
11 CSR 45-5.193	Missouri Gaming Commission		37 MoReg 1583	This Issue	
11 CSR 45-9.105	Missouri Gaming Commission		37 MoReg 1583	This Issue	
11 CSR 45-9.106	Missouri Gaming Commission		37 MoReg 1770		
11 CSR 45-9.118	Missouri Gaming Commission		37 MoReg 1587	This Issue	
11 CSR 45-9.120	Missouri Gaming Commission		37 MoReg 1770		
	DEPARTMENT OF REVENUE				
12 CSR 10-41.010	Director of Revenue	37 MoReg 1701	37 MoReg 1770	38 MoReg 472	
12 CSR 10-41.025	Director of Revenue		38 MoReg 284		
12 CSR 10-41.030	Director of Revenue		38 MoReg 285		
12 CSR 10-104.030	Director of Revenue		38 MoReg 286		
12 CSR 30-3.065	State Tax Commission		38 MoReg 429		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 35-100.010	Children's Division		37 MoReg 1587 38 MoReg 510	38 MoReg 472W	
13 CSR 35-100.030	Children's Division		37 MoReg 1592	38 MoReg 473	
	ELECTED OFFICIALS				
15 CSR 50-4.030	Treasurer	38 MoReg 425	38 MoReg 429		
	RETIREMENT SYSTEMS				
16 CSR 10-3.010	The Public School Retirement System of Missouri		37 MoReg 1774	38 MoReg 478	
16 CSR 10-5.020	The Public School Retirement System of Missouri		38 MoReg 469		
16 CSR 10-5.030	The Public School Retirement System of Missouri		38 MoReg 470		
16 CSR 10-6.020	The Public School Retirement System of Missouri		37 MoReg 1774	38 MoReg 478	
16 CSR 10-6.070	The Public School Retirement System of Missouri		38 MoReg 470		
16 CSR 10-6.090	The Public School Retirement System of Missouri		38 MoReg 471		
	BOARDS OF POLICE COMMISSIONERS				
17 CSR 10-2.010	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.020	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.030	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.040	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		This IssueR This Issue		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		This IssueR This Issue		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-1.025	Division of Community and Public Health		This IssueR This Issue		
19 CSR 20-1.040	Division of Community and Public Health		This IssueR This Issue		
19 CSR 20-1.042	Division of Community and Public Health		This Issue		
19 CSR 20-1.045	Division of Community and Public Health		This Issue		
19 CSR 20-1.100	Division of Community and Public Health		This Issue		
19 CSR 20-1.200	Division of Community and Public Health		This Issue		
19 CSR 30-40.710	Division of Regulation and Licensure		37 MoReg 1889		
19 CSR 30-40.720	Division of Regulation and Licensure		37 MoReg 1891		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-40.730	Division of Regulation and Licensure		37 MoReg 1907		
19 CSR 30-40.740	Division of Regulation and Licensure		37 MoReg 2073		
19 CSR 30-40.750	Division of Regulation and Licensure		37 MoReg 2075		
19 CSR 30-40.760	Division of Regulation and Licensure		37 MoReg 2097		
19 CSR 30-40.770	Division of Regulation and Licensure		37 MoReg 2284		
19 CSR 30-40.780	Division of Regulation and Licensure		37 MoReg 2284		
19 CSR 30-40.790	Division of Regulation and Licensure		37 MoReg 2285		
19 CSR 30-82.070	Division of Regulation and Licensure		This IssueR		
19 CSR 60-50	Missouri Health Facilties Review Committee				38 MoReg 479 38 MoReg 479 38 MoReg 560
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Applied Behavior Analysis Maximum Benefit				37 MoReg 472 38 MoReg 432
20 CSR	Construction Claims Binding Arbitration Cap				37 MoReg 62 38 MoReg 147
20 CSR	Sovereign Immunity Limits				37 MoReg 62 38 MoReg 147
20 CSR	State Legal Expense Fund Cap				37 MoReg 62 38 MoReg 147
20 CSR 2085-11.020	Board of Cosmetology and Barber Examiners		This Issue		
20 CSR 2110-2.010	Missouri Dental Board		This Issue		
20 CSR 2110-2.050	Missouri Dental Board		This Issue		
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Specialists		38 MoReg 290		
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		38 MoReg 293		
20 CSR 2200-2.001	State Board of Nursing		38 MoReg 293		
20 CSR 2200-2.010	State Board of Nursing		38 MoReg 294		
20 CSR 2200-2.020	State Board of Nursing		38 MoReg 296		
20 CSR 2200-2.030	State Board of Nursing		38 MoReg 296		
20 CSR 2200-2.035	State Board of Nursing		38 MoReg 297		
20 CSR 2200-2.040	State Board of Nursing		38 MoReg 297		
20 CSR 2200-2.060	State Board of Nursing		38 MoReg 297		
20 CSR 2200-2.070	State Board of Nursing		38 MoReg 300		
20 CSR 2200-2.080	State Board of Nursing		38 MoReg 300		
20 CSR 2200-2.085	State Board of Nursing		38 MoReg 300		
20 CSR 2200-2.090	State Board of Nursing		38 MoReg 301		
20 CSR 2200-2.100	State Board of Nursing		38 MoReg 301		
20 CSR 2200-2.110	State Board of Nursing		38 MoReg 303		
20 CSR 2200-2.120	State Board of Nursing		38 MoReg 303		
20 CSR 2200-2.130	State Board of Nursing		38 MoReg 303		
20 CSR 2200-2.180	State Board of Nursing		38 MoReg 304		
20 CSR 2200-3.001	State Board of Nursing		38 MoReg 304		
20 CSR 2200-3.010	State Board of Nursing		38 MoReg 305		
20 CSR 2200-3.020	State Board of Nursing		38 MoReg 307		
20 CSR 2200-3.030	State Board of Nursing		38 MoReg 307		
20 CSR 2200-3.035	State Board of Nursing		38 MoReg 308		
20 CSR 2200-3.040	State Board of Nursing		38 MoReg 308		
20 CSR 2200-3.060	State Board of Nursing		38 MoReg 308		
20 CSR 2200-3.070	State Board of Nursing		38 MoReg 311		
20 CSR 2200-3.080	State Board of Nursing		38 MoReg 311		
20 CSR 2200-3.085	State Board of Nursing		38 MoReg 311		
20 CSR 2200-3.090	State Board of Nursing		38 MoReg 312		
20 CSR 2200-3.100	State Board of Nursing		38 MoReg 312		
20 CSR 2200-3.110	State Board of Nursing		38 MoReg 313		
20 CSR 2200-3.120	State Board of Nursing		38 MoReg 314		
20 CSR 2200-3.130	State Board of Nursing		38 MoReg 314		
20 CSR 2200-3.180	State Board of Nursing		38 MoReg 315		
20 CSR 2200-4.022	State Board of Nursing		This Issue		
20 CSR 2200-6.020	State Board of Nursing		This Issue		
20 CSR 2200-6.030	State Board of Nursing		This Issue		
20 CSR 2200-6.040	State Board of Nursing		This Issue		
20 CSR 2200-6.050	State Board of Nursing		This Issue		
20 CSR 2200-6.060	State Board of Nursing		This Issue		
20 CSR 2220-2.017	State Board of Pharmacy		38 MoReg 315		
20 CSR 2220-2.018	State Board of Pharmacy		38 MoReg 316		
20 CSR 2220-2.030	State Board of Pharmacy		38 MoReg 316R		
20 CSR 2220-2.032	State Board of Pharmacy		38 MoReg 317R		
20 CSR 2220-2.034	State Board of Pharmacy		38 MoReg 317R		
20 CSR 2220-2.036	State Board of Pharmacy		38 MoReg 317R		
20 CSR 2220-2.080	State Board of Pharmacy		38 MoReg 318		
20 CSR 2220-2.083	State Board of Pharmacy		38 MoReg 319		
20 CSR 2220-2.100	State Board of Pharmacy		38 MoReg 320R		
20 CSR 2220-2.450	State Board of Pharmacy		38 MoReg 320R		
20 CSR 2220-6.100	State Board of Pharmacy		37 MoReg 2286	38 MoReg 535	
20 CSR 2220-7.010	State Board of Pharmacy		38 MoReg 321		
20 CSR 2220-7.025	State Board of Pharmacy		38 MoReg 325		
20 CSR 2220-7.027	State Board of Pharmacy		38 MoReg 332		
20 CSR 2220-7.030	State Board of Pharmacy		38 MoReg 336		
20 CSR 2220-7.040	State Board of Pharmacy		38 MoReg 341		
20 CSR 2220-7.050	State Board of Pharmacy		38 MoReg 347		
20 CSR 2220-7.060	State Board of Pharmacy		38 MoReg 352		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2220-7.070	State Board of Pharmacy		38 MoReg 354		
20 CSR 2220-7.080	State Board of Pharmacy		38 MoReg 358		
20 CSR 2220-7.090	State Board of Pharmacy		38 MoReg 365		
20 CSR 2245-1.010	Real Estate Appraisers		37 MoReg 2299		
20 CSR 2245-2.010	Real Estate Appraisers		37 MoReg 2299		
20 CSR 2245-3.001	Real Estate Appraisers		37 MoReg 2299		
20 CSR 2245-3.005	Real Estate Appraisers		37 MoReg 2300		
20 CSR 2245-3.010	Real Estate Appraisers		37 MoReg 2304		
20 CSR 2245-4.050	Real Estate Appraisers		37 MoReg 2305		
20 CSR 2245-5.020	Real Estate Appraisers		37 MoReg 2305		
20 CSR 2245-6.016	Real Estate Appraisers		37 MoReg 2313		
20 CSR 2245-10.010	Real Estate Appraisers		37 MoReg 2315		
20 CSR 2245-10.020	Real Estate Appraisers		37 MoReg 2316		
20 CSR 2245-10.030	Real Estate Appraisers		37 MoReg 2317		
20 CSR 2245-10.040	Real Estate Appraisers		37 MoReg 2318		
20 CSR 2270-2.060	Missouri Veterinary Medical Board		38 MoReg 368		
20 CSR 2270-3.030	Missouri Veterinary Medical Board		38 MoReg 368		
20 CSR 2270-4.042	Missouri Veterinary Medical Board		38 MoReg 368		
	MISSOURI CONSOLIDATED HEALTH CARE PLAN				
22 CSR 10-2.010	Health Care Plan	37 MoReg 1701	37 MoReg 1774	38 MoReg 536	
22 CSR 10-2.020	Health Care Plan	37 MoReg 1705R 37 MoReg 1705 38 MoReg 503RT 38 MoReg 503T	37 MoReg 1778R 37 MoReg 1778	38 MoReg 536R 38 MoReg 536	
22 CSR 10-2.030	Health Care Plan		37 MoReg 1790	38 MoReg 540	
22 CSR 10-2.045	Health Care Plan	37 MoReg 1715	37 MoReg 1794	38 MoReg 540	
22 CSR 10-2.051	Health Care Plan	37 MoReg 1716	37 MoReg 1795	38 MoReg 541	
22 CSR 10-2.052	Health Care Plan	37 MoReg 1717	37 MoReg 1795	38 MoReg 541	
22 CSR 10-2.053	Health Care Plan	37 MoReg 1717 38 MoReg 503T	37 MoReg 1796	38 MoReg 541	
22 CSR 10-2.054	Health Care Plan		37 MoReg 1800	38 MoReg 541	
22 CSR 10-2.055	Health Care Plan	37 MoReg 1719 38 MoReg 503T	37 MoReg 1800	38 MoReg 542	
22 CSR 10-2.060	Health Care Plan	37 MoReg 1724	37 MoReg 1808	38 MoReg 546	
22 CSR 10-2.070	Health Care Plan	37 MoReg 1726 38 MoReg 503T	37 MoReg 1809	38 MoReg 546	
22 CSR 10-2.075	Health Care Plan	37 MoReg 1727	37 MoReg 1809	38 MoReg 547	
22 CSR 10-2.080	Health Care Plan		37 MoReg 1812	38 MoReg 547	
22 CSR 10-2.090	Health Care Plan	37 MoReg 1729 38 MoReg 504T	37 MoReg 1812	38 MoReg 547	
22 CSR 10-2.091	Health Care Plan	37 MoReg 1732R	37 MoReg 1818R	38 MoReg 548R	
22 CSR 10-2.094	Health Care Plan	37 MoReg 1440 38 MoReg 426T	37 MoReg 1474	38 MoReg 205	
22 CSR 10-2.110	Health Care Plan	37 MoReg 1441 38 MoReg 426T	37 MoReg 1477	38 MoReg 206	
22 CSR 10-2.120	Health Care Plan	37 MoReg 1446 38 MoReg 426T	37 MoReg 1484	38 MoReg 210	
22 CSR 10-2.130	Health Care Plan	37 MoReg 1732	37 MoReg 1818	38 MoReg 548	
22 CSR 10-3.010	Health Care Plan	37 MoReg 1733	37 MoReg 1820	38 MoReg 548	
22 CSR 10-3.020	Health Care Plan	37 MoReg 1736R 37 MoReg 1736 38 MoReg 504RT 38 MoReg 504T	37 MoReg 1823R 37 MoReg 1823	38 MoReg 548R 38 MoReg 548	
22 CSR 10-3.030	Health Care Plan		37 MoReg 1833	38 MoReg 552	
22 CSR 10-3.045	Health Care Plan	37 MoReg 1743	37 MoReg 1834	38 MoReg 552	
22 CSR 10-3.053	Health Care Plan	37 MoReg 1744	37 MoReg 1835	38 MoReg 553	
22 CSR 10-3.054	Health Care Plan	37 MoReg 1745	37 MoReg 1836	38 MoReg 553	
22 CSR 10-3.055	Health Care Plan	37 MoReg 1746	37 MoReg 1836	38 MoReg 553	
22 CSR 10-3.056	Health Care Plan	37 MoReg 1747	37 MoReg 1837	38 MoReg 553	
22 CSR 10-3.057	Health Care Plan	37 MoReg 1748 38 MoReg 504T	37 MoReg 1838	38 MoReg 553	
22 CSR 10-3.060	Health Care Plan	37 MoReg 1754	37 MoReg 1846	38 MoReg 558	
22 CSR 10-3.070	Health Care Plan	37 MoReg 1755 38 MoReg 504T	37 MoReg 1847	38 MoReg 558	
22 CSR 10-3.075	Health Care Plan	37 MoReg 1756	37 MoReg 1847	38 MoReg 558	
22 CSR 10-3.080	Health Care Plan		37 MoReg 1850	38 MoReg 559	
22 CSR 10-3.090	Health Care Plan	37 MoReg 1758 38 MoReg 504T	37 MoReg 1850	38 MoReg 559	
22 CSR 10-3.130	Health Care Plan	37 MoReg 1761	37 MoReg 1856	38 MoReg 559	

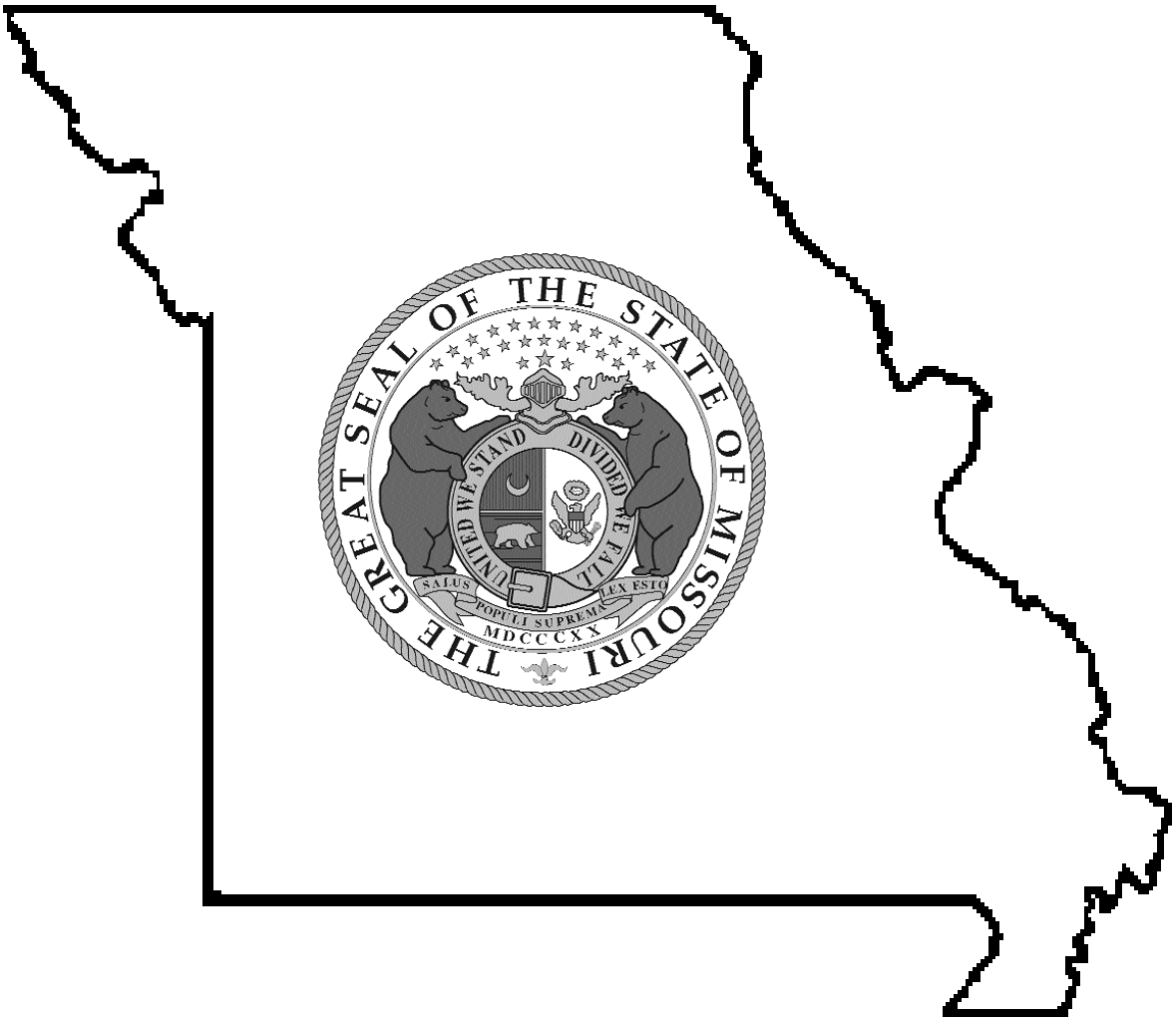
Agency		Publication	Effective	Expiration
Office of Administration				
Commissioner of Administration				
1 CSR 10-15.010	Cafeteria Plan	38 MoReg 5	Jan. 1, 2013	June 29, 2013
Department of Agriculture				
Animal Health				
2 CSR 30-2.020	Movement of Livestock, Poultry, and Exotic Animals Within Missouri	37 MoReg 1699	Nov. 8, 2012	May 6, 2013
2 CSR 30-10.010	Inspection of Meat and Poultry	38 MoReg 5	Jan. 1, 2013	June 29, 2013
Department of Public Safety				
Office of the Director				
11 CSR 30-14.010	Approval of Accrediting Organizations for Crime Laboratories	38 MoReg 243	Jan. 18, 2013	July 16, 2013
Department of Revenue				
Director of Revenue				
12 CSR 10-41.010	Annual Adjusted Rate of Interest	37 MoReg 1701	Jan. 1, 2013	June 29, 2013
Elected Officials				
Treasurer				
15 CSR 50-4.030	Missouri MOST 529 Matching Grant Program	38 MoReg 425	Feb. 2, 2013	July 31, 2013
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.010	Definitions	37 MoReg 1701	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.020	General Membership Provisions	37 MoReg 1702	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.020	General Membership Provisions	37 MoReg 1702	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.045	Plan Utilization Review Policy	37 MoReg 1715	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges	37 MoReg 1716	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges	37 MoReg 1717	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	37 MoReg 1717	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	37 MoReg 1719	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations	37 MoReg 1724	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.070	Coordination of Benefits	37 MoReg 1726	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.075	Review and Appeals Procedure	37 MoReg 1727	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.090	Pharmacy Benefit Summary	37 MoReg 1729	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-2.091	Wellness Program Coverage, Provisions, and Limitations	37 MoReg 1732	Jan. 1, 2013	June 29, 2013
22 CSR 10-2.130	Additional Plan Options	37 MoReg 1732	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.010	Definitions	37 MoReg 1733	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.020	General Membership Provisions	37 MoReg 1736	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-3.020	General Membership Provisions	37 MoReg 1736	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-3.045	Plan Utilization Review Policy	37 MoReg 1743	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges	37 MoReg 1744	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges	37 MoReg 1745	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.055	High Deductible Health Plan Benefit Provisions and Covered Charges	37 MoReg 1746	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges	37 MoReg 1747	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges	37 MoReg 1748	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-3.060	PPO 600 Plan, PPO 1000 Plan, PPO 2000 Plan, and HDHP Limitations	37 MoReg 1754	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.070	Coordination of Benefits	37 MoReg 1755	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-3.075	Review and Appeals Procedure	37 MoReg 1756	Jan. 1, 2013	June 29, 2013
22 CSR 10-3.090	Pharmacy Benefit Summary	37 MoReg 1758	Jan. 1, 2013	term. May 29, 2013
22 CSR 10-3.130	Additional Plan Options	37 MoReg 1761	Jan. 1, 2013	June 29, 2013

Executive Orders	Subject Matter	Filed Date	Publication
	2013		
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461
	2012		
12-12	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2016.	Dec. 31, 2012	38 MoReg 246
12-11	Advises that state offices located in Cole County will be closed on Monday, January 14, 2013, for the inauguration.	Dec. 20, 2012	38 MoReg 245
12-10	Advises that state offices will be closed on Friday November 23, 2012.	Nov. 2, 2012	37 MoReg 1639
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	37 MoReg 1519
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation.	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012.	March 13, 2012	37 MoReg 569
12-04	Activates the state militia in response to severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 23, 2012	37 MoReg 311

The rule number and the MoReg publication date follow each entry to this index.

RULEMAKING 1-2-3

DRAFTING AND STYLE MANUAL



JASON KANDER
SECRETARY OF STATE

The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

To Subscribe to the *Missouri Register*

SALUS POPULI SUPREMA LEX ESTO
"The welfare of the people shall be the supreme law."

JASON KANDER
SECRETARY OF STATE

MISSOURI REGISTER

Contact us at: phone: (573) 751-4015 or email: rules@sos.mo.gov

ORDER FORM

☐ Enclosed is my check for $56 as payment in advance for one year of the ***Missouri Register***
Please start my subscription with the _____issue.

Please make checks payable to: **Secretary of State** or alternatively call us to charge your credit card.

Mail to: JASON KANDER
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO BOX 1767
JEFFERSON CITY, MO 65102

_____
Name or Firm (Please Type or Print) Attn:

_____
Address

_____
City State Zip Code

JASON KANDER
SECRETARY OF STATE
PO BOX 1767
JEFFERSON CITY, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO

Non-Substantive Changes Form and Updated Transmittal Form Now Available Online

With SB 469 and HB 1135 having gone into effect on August 28, 2012, agencies may now file a request with the Joint Committee on Administrative Rules and the secretary of state concurrently to make non-substantive changes to rules in the *Code of State Regulations*. Non-substantive changes include changes in department or division name in response to statutory changes or executive orders, or changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

A form for Non-Substantive Changes may be found online at http://www.sos.mo.gov/adrules/forms.asp. Also available on the same page are other forms of the Administrative Rules Division of the Office of the Secretary of State including a new revised transmittal form.